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#### **Veto Session**

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**JOURNAL OF THE SENATE**  
**NINETY-FIFTH GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF MISSOURI**  
**FIRST REGULAR SESSION**

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**FIRST DAY—WEDNESDAY, JANUARY 7, 2009**

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The Senate was called to order at 12:00 noon by Lieutenant Governor Peter Kinder.

The Reverend Carl Gauck offered the following prayer:

Either we are adrift in chaos or we are individuals, created, loved, upheld and placed purposefully, exactly where we are. (Elisabeth Elliot)

Gracious God, here we are where You have intended each of us to serve and we are grateful for the opportunity. As we begin a new session with new colleagues and new leadership we pray for them being mindful of all the new challenges that have come to face us in this new year. We pray that You will guide our hearts and thinking as we try to deal with each issue that we must address. Keep us mindful of the people that are affected by our decisions and that we do our very best to balance the stress and burdens our decisions will create. All this we ask in Your holy name. Amen.

Central High School Junior ROTC, St. Joseph, presented the Colors.

The Pledge of Allegiance to the Flag was led by Bryce Shields, St. Joseph.

The National Anthem was performed by Brandt Shields, St. Joseph.

The President of the Senate stated that the Rules of the Senate would be the Missouri Senate Rules of the 2nd Regular Session of the Ninety-fourth General Assembly until temporary or permanent rules are adopted.

Senator Engler announced that photographers from the St. Louis Post Dispatch, KSPR-TV, KOMU-TV, KOLR 10 News, KY 3, Show Me Progress and KTVI-TV, the Senate and family had been given permission to take flash pictures and to video in the Senate Chamber and gallery today.

Senator Engler submitted the following appointments of officers for the temporary organization, which were read:

President Pro Tem .....	Charlie Shields
Secretary of Senate .....	Terry L. Spieler
Sergeant-at-Arms .....	Bill Smith
Doorkeeper .....	Ken Holman

Senator Engler requested unanimous consent of the Senate that the above named officers stand as temporary officers until permanent officers are elected, which request was granted.

## MESSAGES FROM THE SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State, which was read:

To the Honorable Senate of the 95th General Assembly, First Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 95th General Assembly (First Regular Session) of the State of Missouri, elected at the November 7, 2006 General Election and the November 4, 2008 General Election.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 7th day of January, 2009.

/s/ Robin Carnahan

(Seal)

SECRETARY OF STATE

### MISSOURI STATE SENATORS

Elected November 7, 2006

District	Name
2nd	Scott T. Rupp
4th	Jeff Smith
6th	Carl M. Vogel
8th	Matt Bartle
10th	Jolie L. Justus
12th	Brad Lager
14th	Rita H. Days
16th	Frank A. Barnitz
18th	Wes Shoemyer
20th	Dan Clemens
22nd	Ryan McKenna
24th	Joan Bray
26th	John Griesheimer
28th	Delbert L. Scott
30th	Norma Champion
32nd	Gary Nodler
34th	Charlie Shields

### MISSOURI STATE SENATORS

Elected November 4, 2008

District	Name
1st	Jim Lembke
3rd	Kevin Engler
5th	Robin Wright-Jones
7th	Jane Cunningham
9th	Yvonne S. Wilson
11th	Victor Callahan
13th	Timothy P. Green
15th	Eric Schmitt
17th	Luann Ridgeway
19th	Kurt Schaefer
21st	Bill Stouffer
23rd	Tom Dempsey
25th	Robert (Rob) Mayer
27th	Jason Glennon Crowell
29th	Jack Goodman
31st	David Pearce
33rd	Chuck Purgason

The newly elected Senators advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Judge Zel M. Fischer, of the Missouri Supreme Court.

On roll call the following Senators were present:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

The President declared the First Regular Session of the 95th General Assembly convened.

## **RESOLUTIONS**

Senator Engler offered the following resolution, which was read and adopted:

### SENATE RESOLUTION NO. 1

BE IT RESOLVED, by the Senate of the Ninety-fifth General Assembly of the State of Missouri, First Regular Session, that the rules adopted by the Ninety-fourth General Assembly, Second Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate of the Ninety-fifth General Assembly, First Regular Session, until permanent rules are adopted.

Senator Engler moved that the Senate proceed to perfect its organization, which motion prevailed.

Senator Scott nominated Senator Charlie Shields for President Pro Tem. Senator Shields' nomination was seconded by Senator Vogel.

No further nominations being made, Senator Shields was elected President Pro Tem by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Shields was escorted to the dais by Senator Vogel.

Senator Shields subscribed to the oath of office of President Pro Tem, administered by the Honorable Judge Daniel Kellogg, Buchanan County Circuit 5 - Division 4 Court.

President Pro Tem Shields assumed the dais and delivered the following address:

**Opening Address**

**Senator Charlie Shields, President Pro Tem  
First Regular Session, 95<sup>th</sup> General Assembly  
January 7, 2009**

Lt. Governor Kinder, members of the Missouri Senate, our families, friends, and people of Missouri:

I thank the Senate for your confidence and the honor of leading this great institution. A special thanks to the senator from St. Clair and the senator from Cole, two colleagues that I have worked with my entire legislative career. I would also like to recognize my wife Brenda, who without her patience, support and most of all - really sound advice, I would not be before you today. Also with me are my sons, Brandt and Bryce, who it seems both grew up in this capitol, and my parents, Charles and Rosalie Shields. I also want to recognize Judge Dan Kellogg. Judge Kellogg and I ran against each other for the Missouri House in 1992. We emerged from that campaign as friends – not something you see very often in today’s political world. And I thank all my friends from St. Joseph who made the trip to our capitol to join us today.

Today, we begin this legislative session in what most would describe as “interesting times.” Our state is in a difficult financial situation. The good news is that because of our decisions in the past, we are financially better off than most states. Despite that, our new governor, the House of Representatives and the Senate will be making difficult decisions in the next four and half months to meet our mandate of a balanced budget.

I believe our task at hand is to learn from our current challenges to create a plan to sustain economic prosperity and a high quality of life for Missourians for years to come. While our current financial situation creates difficult choices, it also creates opportunities. I was recently at a conference where David Holl, president and CEO of a Fortune 500 company, made this statement, “Never let a good financial crisis go to waste – use it to make the difficult decisions that you refused to make when times were good.” Like Holl, we have the opportunity to use this crisis to make difficult decisions, but more importantly to focus on a long-term strategy to build the state Missourian’s want.

To accomplish this, we must first understand why we are in the situation we are in. Second, we must craft a vision of what Missouri can be. Third, we must create a road map of how we are going to get there. And last, we must constantly measure ourselves against our vision to know if we are on the right track. We must do all this, knowing that term limits will remove most of us before our vision is realized – that’s why it is equally as important that we commit to the process as much as we commit to the vision.

We all know the situation that Missouri is in: tough economic times, difficult problems with urban education, a disorganized system of higher education, children entering school not ready to learn, a budget that continues to grow despite our best efforts, and more and more Missourians without health insurance. So how did we get here? W. Edwards Deming, considered the father of the modern quality evolution, said this with regard to struggling businesses, “Your system is perfectly designed to give you the results you are getting.” To translate that to state government, all of our collective decisions of the past, Republican, Democrat, House, Senate, Executive Branch and the Courts have brought us to the place we are today. Our system has given us the results we are getting. In short, we are a \$23 billion organization without a long-term vision and operating without the benefit of a strategic plan.

So what is our vision of a better Missouri? Most would argue that it centers on economic prosperity and opportunity for our citizens. Almost all indicators of quality of life, educational opportunities, health status and the ability of one generation to succeed more than its previous generations evolve around economic opportunities for our citizens. Missouri ranks 33<sup>rd</sup> in the nation in median family income. In higher education, we rank 30<sup>th</sup> in the number of our 25-34 year olds with a degree past high school. In health status, Missouri ranks 38<sup>th</sup> in the nation.

In all these rankings, Missouri is close to the middle of the pack of our nation’s states. The question for us is, do we have to stay there? I say no. I ask everyone in this chamber, why can’t we be a top-ten state in family income? Why can’t our young people be among the most educated in our nation? Why can’t our citizens have healthier lives, be more productive and live longer than those of our neighboring states? The truth is that we can, and that should be the vision upon which we build our strategic plan.

So how do we become a top-ten state in these indicators? It comes down to three strategies.

The first strategy is to continue the work of the legislature and our previous governor to make Missouri a place where businesses can grow and thrive. We must continue to develop the tools to help our existing businesses grow and to attract new businesses that will bring jobs to our citizens. Programs such as the Quality Jobs Act that have added thousands of jobs to our economy, new programs such as those we crafted to attract Bombardier - although we didn't get that company - we sent a message that Missouri is open for business. We must work to make sure our regulatory environment is responsible to our natural resources, but doesn't become such a burden that it drives jobs out of our state. We must continue to maintain our litigation and workers' compensation policy that is fair and keeps jobs in our borders. We must build on these policies and create new tools to attract the jobs of the future.

The second strategy is to bring more people into health coverage. Missouri businesses cannot continue to bear the cost of providing insurance to their employees and also pay for the costs of the uninsured through their premium payments. Our state government will move from one budget crisis to another if we do not get a handle on the growth of healthcare costs. Simply put, we must begin to make serious strides towards moving our state's 700,000 uninsured into coverage. This cannot be done simply by expanding MO HealthNet. It can only be accomplished by working with employers, hospitals, physicians, insurance companies and our federal government to blend funding streams and create market incentives to bring these citizens into a rational healthcare system.

Our third strategy should be to build an educated workforce for our future. The correlation between the economic prosperity of a state and the level of education of its workforce is indisputable. Our state will never succeed if we cannot increase the educational attainment of our citizens.

According to the Lumina Foundation for Education, the United States for years led the world as the most successful and prosperous nation because our people had typically been the most educated. Our nation now ranks 10<sup>th</sup> among industrialized nations in the percentage of young adults with college degrees.

While the U.S. ranks 10<sup>th</sup> in the world, Missouri ranks 30<sup>th</sup> in the nation behind our neighboring states: Kansas, Nebraska, Iowa, and Illinois. Of the nations ranked, Mexico is on the bottom of the list, yet we have 47 counties in Missouri that have education levels below Mexico for young adults.

As a strategy, we must move more of our young people into an education experience past high school if we are going to compete with our neighboring states. But more importantly, we must do this if we are going to compete with the rest of the world.

This strategy is not just a higher education strategy; our work must take place along the entire spectrum of education. In the next two days, ten children will be born in St. Joseph, Missouri. Almost all of them are born in the hospital where I work. If nothing changes and past statistics hold true, only one of those ten children born in my community will hold a bachelors degree by the time they reach age 25. The other nine will not all get lost in higher education, they will get lost along the way. Two will fail because they didn't enter kindergarten ready to learn. Two more will get lost somewhere in elementary school, maybe because they don't have a parent who cares. Two will get lost in middle school, but will be promoted to high school because we will not know what else to do with them. We will lose two more in high school, because they simply won't see any reason to go to college. And of the last two that start college, one will drop out because they can't afford to continue. I said they are all born where I work, and often I walk down to the nursery just to look at them. The amazing thing is they all look like they have potential and at two days old, I can't pick the one out of ten that will succeed.

If we are to succeed in creating a more educated workforce, we must make changes in our education system from birth to higher education. Our early childhood education system needs to make sure every child enters school ready to learn by ensuring access to quality early childhood education and support for stay-at-home parents. Our elementary and secondary education system has to produce students who are capable of post-secondary education, and our higher education system has to realize the competition is not with each other, but with countries like India and China.

I have articulated a vision and the beginnings of a strategic plan to make Missouri an even better place to live, work and raise a family. However, the truth is that it can't be just my vision, it has to be a collective vision for our state, and it has to be implemented with a strategic plan, and it has to be constantly measured to know if we are on the right track. This work requires a dedicated group of individuals to help refine the vision, to help create the strategic plan, to help hold people accountable to make sure we reach our goal. I can think of no better group to do this important work than the 33 senators in front of me.

Each one of you represents 165,000 constituents who elected you to make a better Missouri. You come to this job with amazing backgrounds: lawyers, farmers, teachers, journalists, college professors, and business owners. You bring wisdom from every corner of this state. You are part of a body that is designed to sustain itself for centuries. And most of all, because I have had the opportunity to work with each of you, I know you have dedicated your life to making this state a better place.

You are the senior board of directors for our state who can move us from a short-sighted, reactionary organization to one with vision and purpose. Our challenge as the Missouri Senate is: assess the situation we are in, develop the vision of where we want to be as a state, create

and implement the plan for how we are going to reach our vision, and make sure we always measure ourselves against the goals and plans we have made. And we must do this in a process that can be sustained after we are gone from these chambers.

In conclusion, many will look at the times we are in and decide that our state is destined for failure and continued troubles. I look at these times and believe we have a unique opportunity to learn from the past and to set ourselves on a long-term plan to create a better state. To accomplish this, we must work closely with the House of Representatives and Governor-elect Nixon – our voters demand we work together and our success depends upon it.

Peter Drucker, the legendary management guru said, “The best way to predict the future is to create it.”

I look around this chamber and can’t think of 34 people who are more suited to create Missouri’s future.

Thank you.

President Kinder assumed the Chair.

Senator Shields nominated Terry L. Spieler for Secretary of the Senate.

No further nominations being made, Ms. Spieler was elected by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Shields nominated Bill Smith for Sergeant-at-Arms.

No other nominations being made, Mr. Smith was elected by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Shields nominated Ken Holman for Doorkeeper.

No other nominations being made, Mr. Holman was elected by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Terry Spieler, Bill Smith and Ken Holman advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Judge Zel M. Fischer of the Missouri Supreme Court.

## RESOLUTIONS

Senator Engler offered the following resolution, which was read and adopted:

### SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the Ninety-fifth General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the election of the following named officers:

President Pro Tem	Charlie Shields
Secretary of Senate	Terry L. Spieler
Sergeant-at-Arms	Bill Smith
Doorkeeper	Ken Holman

## CONCURRENT RESOLUTIONS

Senator Shields offered the following concurrent resolution, which was read:

### SENATE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the President Pro Tem of the Senate and the Speaker of the House appoint a committee of thirty-six members, one-half from the Senate and one-half from the House to cooperate in making all necessary plans and arrangements for the participation of the General Assembly in the inauguration of the executive officials of the State of Missouri on January 12, 2009; and

BE IT FURTHER RESOLVED that the joint committee be authorized to cooperate with any other committees, officials or persons planning and executing the inaugural ceremonies keeping with the traditions of the great State of Missouri.

Senator Shields requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SCR 1** up for adoption, which request was granted.

On motion of Senator Shields, **SCR 1** was adopted by the following vote:



## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

In accordance with Section 9.141, RSMo, the Bill of Rights was read.

On motion of Senator Engler, the Senate recessed until 2:15 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Rupp.

**FIRST READING OF PRE-FILED SENATE BILLS**

As provided in Chapter 21, RSMo 2000, Sections 21.600, 21.605, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

**SB 1—By Scott.**

An Act to amend chapters 333 and 436, RSMo, by adding thereto thirty-four new sections relating to preneed funeral contracts, with penalty provisions.

**SB 2—By Scott.**

An Act to amend chapter 306, RSMo, by adding thereto one new section relating to actions prohibited on the rivers of this state, with penalty provisions.

**SB 3—By Scott.**

An Act to amend chapter 537, RSMo, by adding thereto three new sections relating to business premises safety.

**SB 4—By Shields.**

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to a quality rating system for child care facilities.

**SB 5—By Griesheimer.**

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

**SB 6—By Griesheimer.**

An Act to repeal sections 77.250 and 79.120, RSMo, and to enact in lieu thereof two new sections

relating to the voting power of city mayors.

**SB 7**—By Griesheimer.

An Act to repeal section 67.280, RSMo, and to enact in lieu thereof one new section relating to community codes.

**SB 8**—By Champion.

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to crime laboratories.

**SB 9**—By Champion.

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

**SB 10**—By Champion.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hunting and fishing.

**SB 11**—By Bartle, Purgason, Ridgeway and Callahan.

An Act to repeal section 414.255, RSMo, relating to fuel ethanol.

**SB 12**—By Bartle and Smith.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to board of education policies on teacher pay.

**SB 13**—By Bartle.

An Act to repeal sections 226.010, 226.200, and 226.220, RSMo, and to enact in lieu thereof thirteen new sections relating to the authority to construct, maintain, and operate toll facilities, with a contingent effective date.

**SB 14**—By Nodler.

An Act to repeal sections 115.350 and 561.021, RSMo, and to enact in lieu thereof one new section relating to disqualification of candidates for public office.

**SB 15**—By Nodler.

An Act to authorize the conveyance of property owned by the state in Jasper County to Missouri Southern State University.

**SB 16**—By Nodler.

An Act to repeal section 303.024, RSMo, and to enact in lieu thereof one new section relating to insurance identification cards, with penalty provisions.

**SB 17**—By Bray, Justus, Days and Wright-Jones.

An Act to repeal sections 546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.004, 565.006, 565.020, 565.030, 565.032, 565.035, and 565.040, RSMo, and to enact in lieu thereof four new sections relating to repealing the death penalty, with penalty provisions.

**SB 18**—By Bray, Justus, Days, Wilson and Green.

An Act to amend chapter 354, RSMo, by adding thereto twenty-two new sections relating to the Missouri universal health assurance program, with a contingent effective date for certain sections.

**SB 19**—By Bray, Shoemyer and Barnitz.

An Act to repeal sections 32.087, 67.576, 67.582, 67.584, 67.671, 67.678, 67.1303, 67.1545, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.030, 144.046, 144.049, 144.100, 144.517, 144.625, 144.655, 144.805, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof thirty new sections relating to the implementation of the streamlined sales and use tax agreement.

**SB 20**—By Days and Smith.

An Act to repeal sections 408.500, 408.505, and 408.506, RSMo, and to enact in lieu thereof three new sections relating to unsecured loans of five hundred dollars or less, with penalty provisions.

**SB 21**—By Days, Bray, Green and Wilson.

An Act to repeal sections 115.275 and 115.289, RSMo, and to enact in lieu thereof three new sections relating to advance voting, with penalty provisions.

**SB 22**—By Days and Bray.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to ballots.

**SB 23**—By Callahan.

An Act to repeal sections 160.534, 163.011, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof four new sections relating to education.

**SB 24**—By Callahan.

An Act to repeal sections 160.534, 163.011, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof three new sections relating to education funding.

**SB 25**—By Callahan.

An Act to repeal sections 160.534, 163.011, 163.031, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof four new sections relating to education funding.

**SB 26**—By Ridgeway.

An Act to repeal section 578.255, RSMo, and to enact in lieu thereof one new section relating to alcohol beverage vaporizers.

**SB 27**—By Ridgeway.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, with penalty provisions.

**SB 28**—By Ridgeway.

An Act to repeal section 104.335, RSMo, and to enact in lieu thereof two new sections relating to vested members of the Missouri state employees' retirement system.

**SB 29**—By Stouffer.

An Act to repeal section 414.255, RSMo, and to enact in lieu thereof two new sections relating to renewable fuel, with penalty provisions.

**SB 30**—By Stouffer.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to restricted license plates.

**SB 31—By Stouffer.**

An Act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof two new sections relating to eliminating the position of transportation inspector general.

**SB 32—By Wilson.**

An Act to amend chapter 99, RSMo, by adding thereto six new sections relating to duty free zones, with a contingent effective date.

**SB 33—By Wilson.**

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the Missouri Strive to Succeed Graduation Program.

**SB 34—By Wilson.**

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to eligibility for food stamps.

**SB 35—By Goodman and Champion.**

An Act to repeal section 116.025, RSMo, and to enact in lieu thereof two new sections relating to fair ballot language.

**SB 36—By Goodman.**

An Act to repeal sections 566.030 and 566.060, RSMo, and to enact in lieu thereof two new sections relating to the penalties for certain forcible sexual offenses committed against children, with penalty provisions.

**SB 37—By Goodman.**

An Act to repeal sections 600.011, 600.015, 600.017, 600.019, 600.021, 600.040, 600.042, 600.048, 600.086, 600.089, 600.090, and 600.096, RSMo, and to enact in lieu thereof fourteen new sections relating to the public defender system, with penalty provisions.

**SB 38—By Rupp.**

An Act to repeal section 48.030, RSMo, and to enact in lieu thereof one new section relating to counties changing classification.

**SB 39—By Rupp.**

An Act to repeal section 478.186, RSMo, and to enact in lieu thereof one new section relating to the forty-fifth judicial circuit.

**SB 40—By Rupp.**

An Act to repeal section 173.250, RSMo, and to enact in lieu thereof one new section relating to the higher education academic scholarship program.

**SB 41—By Cunningham.**

An Act to repeal sections 37.710, 160.261, 168.021, 168.071, 168.133, 210.135, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof fourteen new sections relating to protecting children from sexual offenders, with penalty provisions.

**SB 42—By Cunningham and Smith.**

An Act to repeal sections 163.011, 168.106, and 313.778, RSMo, and to enact in lieu thereof seven new sections relating to the teacher choice compensation package.

**SB 43**—By Pearce.

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, 407.1107, and 407.1110, RSMo, and to enact in lieu thereof six new sections relating to the telemarketing no-call list.

**SB 44**—By Pearce.

An Act to repeal sections 221.111, 221.353, 575.210, 575.220, and 575.240, RSMo, and to enact in lieu thereof seven new sections relating to private jails, with penalty provisions.

**SB 45**—By Pearce.

An Act to repeal section 620.1881, RSMo, and to enact in lieu thereof three new sections relating to certain tax credit programs administered by the department of economic development.

**SB 46**—By Schaefer.

An Act to amend chapter 558, RSMo, by adding thereto one new section relating to the sentencing of felons.

**SB 47**—By Scott.

An Act to repeal sections 43.060 and 590.030, RSMo, and to enact in lieu thereof two new sections relating to educational requirements for certain law enforcement personnel.

**SB 48**—Withdrawn.**SB 49**—By Scott.

An Act to repeal sections 144.025 and 144.027, RSMo, and to enact in lieu thereof two new sections relating to sales tax for trade-in or exchange transactions.

**SB 50**—By Bray.

An Act to repeal sections 290.400, 290.410, 290.440, and 290.450, RSMo, and to enact in lieu thereof five new sections relating to equal employment practices.

**SB 51**—By Bray.

An Act to repeal section 160.405, RSMo, and to enact in lieu thereof one new section relating to charter schools.

**SB 52**—By Bray.

An Act to repeal sections 43.545, 455.200, 455.545, and 565.063, RSMo, and to enact in lieu thereof six new sections relating to domestic violence, with penalty provisions.

**SB 53**—By Days.

An Act to repeal sections 193.125 and 193.255, RSMo, and to enact in lieu thereof four new sections relating to adoption records.

**SB 54**—By Days.

An Act to repeal sections 475.010, 475.045, and 475.105, RSMo, and to enact in lieu thereof four new sections relating to guardianship of minors and incapacitated adults.

**SB 55**—By Days.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school district records.

**SB 56**—By Callahan.

An Act to repeal sections 163.011 and 313.778, RSMo, and to enact in lieu thereof two new sections relating to education funding.

**SB 57**—By Stouffer.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to billboards.

**SB 58**—By Stouffer.

An Act to repeal sections 302.230, 302.545, 302.700, 302.735, 302.755, 302.775, 306.535, and 311.326, RSMo, and to enact in lieu thereof eight new sections relating to the regulation of motor vehicles, with penalty provisions.

**SB 59**—By Stouffer.

An Act to repeal section 260.750, RSMo, and to enact in lieu thereof two new sections relating to the transportation of radioactive waste.

**SB 60**—By Wilson.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to teaching standards.

**SB 61**—By Wilson.

An Act to amend chapter 196, RSMo, by adding thereto three new sections relating to youth smoking.

**SB 62**—By Wilson.

An Act to amend chapter 452, RSMo, by adding thereto one new section relating to parenting coordinators.

**SB 63**—By Rupp and Smith.

An Act to repeal sections 578.025 and 578.030, RSMo, and to enact in lieu thereof three new sections relating to dog fighting, with penalty provisions.

**SB 64**—By Rupp.

An Act to repeal sections 160.400, 160.405, and 160.410, RSMo, and to enact in lieu thereof three new sections relating to charter schools.

**SB 65**—By Rupp.

An Act to repeal sections 130.047, 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls.

**SB 66**—By Scott.

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing financial interest statements.

**SB 67**—By Scott.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the operation of golf carts and motorized wheelchairs upon city streets.

**SB 68**—By Bray.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to criminally negligent storage of a firearm, with penalty provisions.

**SB 69**–By Bray.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 379.810, 379.815, 379.820, 379.825, 379.830, 379.840, 379.845, 379.850, 379.855, 379.860, 379.865, 379.870, 379.875, and 379.880, RSMo, and to enact in lieu thereof eighteen new sections relating to property insurance.

**SB 70**–By Bray.

An Act to repeal sections 115.315 and 115.327, RSMo, and to enact in lieu thereof two new sections relating to third party candidates.

**SB 71**–By Stouffer.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for contributions made to mentally retarded and developmental type disability care providers.

**SB 72**–By Stouffer.

An Act to repeal section 197.318, RSMo, and to enact in lieu thereof one new section relating to the transfer of long-term care beds to certain new health care facilities.

**SB 73**–By Stouffer.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

**SB 74**–By Wilson.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for poll workers.

**SB 75**–By Wilson.

An Act to repeal section 99.1205, RSMo, and to enact in lieu thereof one new section relating to the land assemblage tax credit program.

**SB 76**–By Wilson.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the volunteer and parents incentive program.

**SB 77**–By Stouffer.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to comprehensive day rehabilitation services under the MO HealthNet program.

**SB 78**–By Wilson.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the establishment of the Missouri senior cadet program.

**SB 79**–By Wilson.

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to anti-bullying policies.

**SB 80**–By Wilson.

An Act to repeal section 67.1063, RSMo, and to enact in lieu thereof one new section relating to homeless person assistance.

**SB 81**—By Wilson.

An Act to repeal section 565.095, RSMo, and to enact in lieu thereof one new section relating to the criminalization of displaying a noose, with penalty provisions.

**SB 82**—By Wilson.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to the unlawful use of weapons, with penalty provisions.

**SB 83**—By Wilson.

An Act to repeal sections 571.010 and 571.030, RSMo, and to enact in lieu thereof two new sections relating to stun guns, with penalty provisions.

**SB 84**—By Purgason.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of the Specialist James M. Finley memorial bridge.

**SB 85**—By Crowell.

An Act to amend chapter 135, RSMo, by adding thereto six new sections relating to the Missouri special needs scholarship tax credit program.

**SB 86**—By Crowell.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

**SB 87**—By Crowell.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for MO HealthNet reimbursements.

**SB 88**—By Stouffer.

An Act to repeal section 304.155, RSMo, and to enact in lieu thereof one new section relating to state highway system incident management.

**SB 89**—By Stouffer.

An Act to repeal section 198.525, RSMo, and to enact in lieu thereof one new section relating to inspectors or surveyors of long-term care facilities.

**SB 90**—By Stouffer.

An Act to repeal sections 197.300, 197.305, 197.310, 197.311, 197.312, 197.314, 197.315, 197.316, 197.317, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366, 197.367, 197.705, 198.530, 198.531, and 208.169, RSMo, and to enact in lieu thereof four new sections relating to certificate of need.

**SB 91**—By Green, Bray, Days, Wright-Jones, Wilson, Justus, Smith, McKenna, Barnitz and Shoemyer.

An Act to repeal sections 409.5-508 and 409.6-604, RSMo, and to enact in lieu thereof two new sections relating to securities regulation, with penalty provisions.

**SB 92**—By Green, Bray, Days, Wright-Jones, Wilson, Justus, Smith and McKenna.

An Act to repeal sections 409.1-102, 409.2-202, 409.3-304, 409.4-401, 409.4-404, 409.4-408, 409.4-412, 409.5-501, 409.6-604, and 409.6-607, RSMo, and to enact in lieu thereof ten new sections relating to the



Missouri securities act.

**SB 93**—By Green.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment and administration of a drunk driving memorial sign program.

**SB 94**—By Justus, Smith, Shoemyer, McKenna, Barnitz, Bray, Days, Wilson, Wright-Jones, Green and Callahan.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.

**SB 95**—By Justus.

An Act to repeal sections 115.277 and 115.283, RSMo, and to enact in lieu thereof two new sections relating to absentee voting.

**SB 96**—By Justus, Smith, Bray, Days, Wilson and Wright-Jones.

An Act to amend chapter 167 and 210, RSMo, by adding thereto three new sections relating to educational needs and rights for foster children.

**SB 97**—By Smith.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to a post-secondary education entrance examination preparation program.

**SB 98**—By Smith.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax deduction for qualified hybrid motor vehicle purchases.

**SB 99**—By Cunningham.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to the predictable property tax act, with a contingent effective date.

**SB 100**—By Schaefer.

An Act to repeal section 260.750, RSMo, and to enact in lieu thereof four new sections relating to transportation of radioactive waste.

**SB 101**—By Green.

An Act to repeal section 633.135, RSMo, and to enact in lieu thereof one new section relating to the membership of department of mental health review panels.

**SB 102**—By Green.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to political subdivision services bidding standards.

**SB 103**—By Green.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to small business health insurance expenses deduction.

**SB 104**—By Justus, Smith, McKenna, Bray, Days, Wilson and Wright-Jones.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to immunizations against the human papillomavirus.

**SB 105**—By Justus, Smith, Bray and Days.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to the Missouri earned income tax credit.

**SB 106**—By Justus.

An Act to repeal section 115.631, RSMo, and to enact in lieu thereof one new section relating to election offenses, with penalty provisions.

**SB 107**—By Green.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to a tax deduction for higher education expenses.

**SB 108**—By Justus.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to equal rights under the law.

**SB 109**—By Justus, Smith, Days, Bray, Wright-Jones and Green.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to human rights.

**SB 110**—By Crowell.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to establishing a process to designate interstate interchanges after members of the United States armed forces who have been killed in action.

**SB 111**—By Crowell.

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to nonresident entertainer and athlete tax revenues.

**SB 112**—By Crowell.

An Act to repeal section 559.115, RSMo, and to enact in lieu thereof one new section relating to the shock incarceration program, with penalty provisions.

**SB 113**—By Crowell.

An Act to repeal section 100.286, RSMo, and to enact in lieu thereof one new section relating to the issuance of Missouri development finance board development fund contribution tax credits.

**SB 114**—By Crowell.

An Act to repeal sections 302.302 and 476.385, RSMo, and to enact in lieu thereof two new sections relating to the administration of driver improvement programs by the centralized violation bureau.

**SB 115**—By Bray.

An Act to repeal sections 116.080 and 116.090, RSMo, and to enact in lieu thereof three new sections relating to initiative and referendum petitions, with penalty provisions.

**SB 116**—By Bray.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the persistence to graduation fund.

**SB 117**—By Green.

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to school funding.

**SB 118**—By Griesheimer.

An Act to repeal section 260.225, RSMo, and to enact in lieu thereof one new section relating to solid waste management.

**SB 119**—By Griesheimer.

An Act to repeal sections 190.430 and 190.440, RSMo, and to enact in lieu thereof two new sections relating to the imposition of a fee upon wireless phone services for provision of enhanced 911 services.

**SB 120**—By Bray.

An Act to repeal sections 103.003, 103.005, and 103.036, RSMo, and to enact in lieu thereof three new sections relating to the inclusion of small employers in the state health care plan.

**SB 121**—By Purgason.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a two-year moratorium on all state tax credit programs.

**SB 122**—By Griesheimer.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to recall of ambulance district board members.

**SB 123**—By Griesheimer.

An Act to repeal sections 52.290, 52.312, and 54.010, RSMo, and to enact in lieu thereof three new sections relating to county collectors.

**SB 124**—By Bray.

An Act to repeal section 226.540, RSMo, and to enact in lieu thereof one new section relating to billboards.

**SB 125**—By Bray.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the planning and design of transportation projects.

**SB 126**—By Rupp.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prohibiting discrimination in life insurance based on lawful travel destinations, with penalty provisions.

**SB 127**—By Rupp.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to math, engineering, technology and science week.

**SB 128**—By Rupp.

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to the authority to enter into design-build highway project contracts.

**SB 129**—By McKenna, Green and Shoemyer.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the use of electronic

wireless communication devices by school bus drivers, with penalty provisions.

**SB 130**—By McKenna, Green and Shoemyer.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the use of electronic wireless telecommunication devices while operating a motor vehicle upon the highways of this state, with penalty provisions.

**SB 131**—By Smith.

An Act to repeal section 67.399, RSMo, and to enact in lieu thereof one new section relating to vacant property registration fees.

**SB 132**—By Smith.

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

**SB 133**—By Smith.

An Act to repeal section 208.009, RSMo, and to enact in lieu thereof one new section relating to the public benefit of postsecondary education.

**SB 134**—By Dempsey.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the creation of the Brain Tumor Awareness Organization specialty plate.

**SB 135**—By Dempsey.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to salaries for school nurses.

**SB 136**—By Rupp and Smith.

An Act to repeal section 135.680, RSMo, and to enact in lieu thereof one new section relating to the new markets tax credit program.

**SB 137**—By Rupp.

An Act to amend chapter 335, RSMo, by adding thereto twelve new sections relating to the nurse licensure compact.

**SB 138**—By Smith.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating solely to the creation of an earned income tax credit.

**SB 139**—By Mayer.

An Act to repeal sections 163.011, 163.172, and 313.778, RSMo, and to enact in lieu thereof three new sections relating to state funding for education.

**SB 140**—By Smith.

An Act to repeal section 568.040, RSMo, and to enact in lieu thereof two new sections relating to criminal nonsupport, with penalty provisions.

**SB 141**—By Smith.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to paternity

determinations.

**SB 142**—By Bartle.

An Act to repeal section 23.253, RSMo, and to enact in lieu thereof two new sections relating to the reauthorization of certain tax credit programs.

**SB 143**—By Mayer.

An Act to repeal sections 276.401 and 276.471, RSMo, and to enact in lieu thereof three new sections relating to grain dealers, with penalty provisions.

**SB 144**—By Wright-Jones.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the prostate cancer pilot program.

**SB 145**—By Wright-Jones.

An Act to repeal sections 115.205 and 115.631, RSMo, and to enact in lieu thereof three new sections relating to elections, with penalty provisions.

**SB 146**—By Dempsey.

An Act to repeal sections 135.535 and 135.562, RSMo, and to enact in lieu thereof two new sections relating to tax relief for persons assisting seniors or disabled citizens.

**SB 147**—By Dempsey.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Missouri healthy workplace recognition program.

**SB 148**—By Dempsey.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to tax deductions for health savings accounts.

**SB 149**—By Dempsey.

An Act to amend chapter 191, RSMo, by adding thereto nine new sections relating to health care technology, with penalty provisions.

**SB 150**—By Griesheimer.

An Act to amend chapter 104, RSMo, by adding thereto two new sections relating to Missouri department of transportation and highway patrol employees' retirement system benefits.

**SB 151**—By Clemens.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to the personal finance graduation requirement.

**SB 152**—By Clemens.

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to nurse student loans.

**SB 153**—By Clemens.

An Act to repeal section 416.440, RSMo, and to enact in lieu thereof one new section relating to the sale of milk.

**SB 154**—By Goodman.

An Act to repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer companies.

**SB 155**—By Goodman.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to disclosure of the distribution of state funds.

**SB 156**—By Goodman.

An Act to repeal sections 407.1240 and 407.1249, RSMo, and to enact in lieu thereof two new sections relating to travel clubs.

**SB 157**—By Schmitt.

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to autism as addressed by the division of developmental disabilities.

**SB 158**—By Clemens.

An Act to amend chapter 267, RSMo, by adding thereto one new section relating to health management of captive deer.

**SB 159**—By Clemens.

An Act to repeal section 570.030, RSMo, and to enact in lieu thereof one new section relating to stealing livestock, with penalty provisions.

**SJR 1**—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, relating to the Missouri savings account fund.

**SJR 2**—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30 (b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the highways and transportation commission authority to finance, construct, operate, and maintain toll facilities.

**SJR 3**—By Crowell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

**SJR 4**—By Cunningham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 3 and 4 (b) of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the assessment of real property.

**SJR 5**—By Schmitt.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 18 (b) and 31 of article VI of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to assessors.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 160**—By Crowell.

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof one new section relating to the regulation of methamphetamine precursor substances, with penalty provisions.

**SB 161**—By Crowell.

An Act to repeal sections 86.107 and 86.590, RSMo, and to enact in lieu thereof two new sections relating to investments by the board of trustees of police and firemen's pension systems.

**SB 162**—By Crowell.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to disclosure of the distribution of state funds.

**CONCURRENT RESOLUTIONS**

Senator Crowell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 2

Relating to recognition of October 3rd as Science Day

WHEREAS, in 2006, more than 100 schools, science learning centers, and city and state leaders made the first ever Science Day in the heartland a big success; and

WHEREAS, governors from Illinois, Tennessee, and Missouri have previously proclaimed October 3rd as "Science Day"; and

WHEREAS, it is absolutely fitting and proper to designate a special day to raise public awareness of the importance of science education; and

WHEREAS, such an important designation could raise enthusiasm for science and technology learning; and

WHEREAS, a solid educational foundation based on the sciences have inspired individuals to develop breakthrough cures for all types of disease, provide awareness about the importance of taking care of our environment, and create modern conveniences which better the lives for each one of us:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize October 3rd of each year as Science Day in Missouri; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate and the House of Representatives encourage citizens throughout Missouri to observe this day by honoring teachers in their community and by recognizing the importance of science in the classroom; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2008, while the Senate was not in session.

Laura Fitzmaurice Amick, 4301 SW Hickory Lane, Blue Spring, Jackson County, Missouri 64015, as a member of the Professional

Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by Lieutenant Governor Peter Kinder, while serving as Acting Governor, with my permission on September 16, 2008, while the Senate was not in session.

James S. Anderson, 215 Spruce, Lee's Summit, Jackson County, Missouri 64064, as Chairman of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 9, 2008, while the Senate was not in session.

Sarah K. Anderson, 3004 Joshua Tree Court, Columbia, Boone County, Missouri 65202, as a member of the Children's Trust Fund Board, for a term ending September 15, 2009, and until her successor is duly appointed and qualified; vice, Terry Bloomberg, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 10, 2008, while the Senate was not in session.

Roberta Lynne Angle, 3618 West Gordon Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2010, and until her successor is duly appointed and qualified; vice, Sarah Schuette, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 10, 2008, while the Senate was not in session.

John Fox Arnold, 7399 Pershing, Unit A, Saint Louis, Saint Louis County, Missouri 63130, as Chairman and member of the Saint Louis



County Board of Election Commissioners, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, John Diehl, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2008, while the Senate was not in session.

Jack D. Atterberry, 1632 Paddlewheel Court, Jefferson City, Cole County, Missouri 65109, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 3, 2008, while the Senate was not in session.

Paula F. Baker, 502 Morgan Court, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 11, 2008, while the Senate was not in session.

Conrad S. Balcer, 5413 Buffalo Road, Jefferson City, Cole County, Missouri 65101, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2008, while the Senate was not in session.

Jack C. Ball, 5660 South Farm Road 247, Rogersville, Greene County, Missouri 65742, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2011, and until his successor

is duly appointed and qualified; vice, Charles Hill, Jr., term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 25, 2008, while the Senate was not in session.

Christopher L. Beck, 431 South Cully, Republic, Greene County, Missouri 65738, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2011, and until his successor is duly appointed and qualified; vice, Joyce Mitchell, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 29, 2008, while the Senate was not in session.

Randall M. Berger, 14181 Woods Mill Cove Drive, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Drug Utilization Review Board, for a term ending October 15, 2010, and until his successor is duly appointed and qualified; vice, Karla Dwyer, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by Lieutenant Governor Peter Kinder, while serving as Acting Governor, with my permission on September 16, 2008, while the Senate was not in session.

David E. Bertrand, Democrat, 1847 Lawanda Street, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Board of Probation and Parole, for a term ending August 28, 2014, and until his successor is duly appointed and qualified; vice, Wayne Crump, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 4, 2008, while the Senate was not in session.

C. Bob Bess, 7300 Whitehaven Drive, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Missouri Small Business Regulatory Fairness Board, for a term ending April 30, 2011, and until his successor is duly appointed and qualified; vice, John George, term

expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 25, 2008, while the Senate was not in session.

Beth C. Biggs, 5932 North Mattox Road, Kansas City, Platte County, Missouri 64151, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2011, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 2, 2008, while the Senate was not in session.

Linda Bohrer, 423 Van Horn Road, Holts Summit, Callaway County, Missouri 65043, as Acting Director of the Department of Insurance, Financial Institutions and Professional Registration, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Doug Ommen, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 5, 2008, while the Senate was not in session.

Timothy W. Bonno, 202 Hollytree Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Seismic Safety Commission, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, Timothy Bonno, withdrawn.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2008, while the Senate was not in session.

Timothy W. Bonno, 202 Hollytree Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Seismic Safety Commission,

for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2008, while the Senate was not in session.

Rodney J. Boyd, Democrat, 4053 Flora Place, Saint Louis, Saint Louis City, Missouri 63110, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2014, and until his successor is duly appointed and qualified; vice, Harriet Woods, deceased.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2008, while the Senate was not in session.

William B. Bradley, 1407 Bloomfield Road, Cape Girardeau, Cape Girardeau County, Missouri 63703, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 12, 2008, while the Senate was not in session.

Gregory H. Branham, 1625 Forest Aire, Frontenac, Saint Louis County, Missouri 63131, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 7, 2008, while the Senate was not in session.

Penelope C. Braun, Democrat, 1608 Kenilworth Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, Marion Spence

Pierson, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2008, while the Senate was not in session.

Paul S. Buckley, 310 Crest Avenue, Holts Summit, Callaway County, Missouri 65043, as a member of the Personnel Advisory Board, for a term ending July 31, 2014, and until his successor is duly appointed and qualified; vice, Doug Ommen, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2008, while the Senate was not in session.

Mariann Burnetti-Atwell, 1006 El Dorado Drive, Jefferson City, Cole County, Missouri 65101, as a member of the State Committee of Psychologists, for a term ending August 28, 2011, and until her successor is duly appointed and qualified; vice, Laurel Kramer, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2008, while the Senate was not in session.

Mary M. Burns, Democrat, 8609 North Chalmers Avenue, Kansas City, Platte County, Missouri 64153, as a member of the Platte County Election Board, for a term ending January 11, 2009, and until her successor is duly appointed and qualified; vice, Debra Uhrig, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by Lieutenant Governor Peter Kinder, while serving as Acting Governor, with my permission on June 17, 2008, while the Senate was not in session.

Michael A. Cabello, 22 Delegate Circle, O'Fallon, Saint Charles County, Missouri 63368, as a member of the Board of Cosmetology and

Barber Examiners, for a term ending May 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 329.015.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2008, while the Senate was not in session.

Kevin N. Callaway, 22890 South Westbrook, Hartsburg, Boone County, Missouri 65039, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2010, and until his successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2008, while the Senate was not in session.

Kathleen E. Carpenter, Democrat, 10639 Highway YY, Sumner, Chariton County, Missouri 64681, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 10, 2008, while the Senate was not in session.

Theodore E. "Tec" Chapman, 3708 Watts Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, Richard Strecker, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2008, while the Senate was not in session.

John "Jack" Chapman, 1256 South Rock Hill Road, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Workers'

Compensation Determination Review Board, for a term ending March 3, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by Lieutenant Governor Peter Kinder, while serving as Acting Governor, with my permission on September 16, 2008, while the Senate was not in session.

Joanne M. Collins, Republican, 128 West 13<sup>th</sup> Street, Apartment #921, Kansas City, Jackson County, Missouri 64105, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2014, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 25, 2008, while the Senate was not in session.

Martha L. Cortez, Democrat, 1211 Wood Station Place, Manchester, Saint Louis County, Missouri 63021, as a member of the State Lottery Commission, for a term ending September 7, 2009, and until her successor is duly appointed and qualified; vice, Sherri Robins, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 3, 2008, while the Senate was not in session.

David P. Crowe, 1420 Sylvan Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 17, 2008, while the Senate was not in session.

Victoria A. Damba, 16 Mahogany Run, Farmington, Saint Francois County, Missouri 63640, as a member of the Professional Services

Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 3, 2008, while the Senate was not in session.

Tiffany L. Daniels, 1110 Care Avenue, Nixa, Christian County, Missouri 65714, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 29, 2008, while the Senate was not in session.

Douglas D. Davis, Democrat, 709 Poplar Street, Lamar, Barton County, Missouri 64759, as a member of the Missouri Southern State University Board of Governors, for a term ending August 30, 2014, and until his successor is duly appointed and qualified; vice, Jane Wyman, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 5, 2008, while the Senate was not in session.

Randall J. Davis, 9764 Lee Drive, Hillsboro, Jefferson County, Missouri 63050, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 7, 2008, while the Senate was not in session.



Cheryl K. Dillard, Democrat, 1246 West 67<sup>th</sup> Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2010, and until her successor is duly appointed and qualified; vice, Catherine Davis, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 12, 2008, while the Senate was not in session.

Patrick C. Dillon, Republican, 2731 Frederick Avenue, Saint Joseph, Buchanan County, Missouri 64506, as a member of the State Lottery Commission, for a term ending September 7, 2011, and until his successor is duly appointed and qualified; vice, Dale Finke, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 10, 2008, while the Senate was not in session.

James A. DiRenna, Democrat, 1 The Woodlands, Gladstone, Clay County, Missouri 64119, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, Carl Myers, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2008, while the Senate was not in session.

Ronnie D. Dittmore, 11201 SW Lower Dekalb Road, Saint Joseph, Buchanan County, Missouri 64504, as a member of the Mental Health Commission, for a term ending June 28, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 5, 2008, while the Senate was not in session.

John E. Driskill, 102 Sylvia Drive, Mehlville, Saint Louis County, Missouri 63125, as a member of the Board of Certification of Interpreters, for a term ending June 27, 2009, and until his successor is duly appointed and qualified; vice, Judith Barker, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2008, while the Senate was not in session.

Jacquelyn C. Eaton, 904 East Wall Street, Kirksville, Adair County, Missouri 63501, as a member of the Well Installation Board, for a term ending February 24, 2010, and until her successor is duly appointed and qualified; vice, Patricia Nichols, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 14, 2008, while the Senate was not in session.

Susan K. Eckles, 8650 Delmar Boulevard, Apartment 1E, University City, Saint Louis County, Missouri 63124, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2009, and until her successor is duly appointed and qualified; vice, Linda Allen, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2008, while the Senate was not in session.

Gerald F. Engemann, Republican, 30078 State Highway 94, Hermann, Warren County, Missouri 65041, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 29, 2008, while the Senate was not in session.

Diza A. Eskridge, Democrat, 712 Spring Street, Weston, Platte County, Missouri 64098, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2014, and until her successor is duly appointed and qualified; vice, Janet Leachman, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 3, 2008, while the Senate was not in session.

Janet E. Farmer, 4323 Raven's Ridge Drive, Columbia, Boone County, Missouri 65202, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 3, 2008, while the Senate was not in session.

Sarah A. Feldmiller, 6831 Rockhill Road, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2008, while the Senate was not in session.

William Dale Finke, Republican, 12 Harbor View Drive, Lake Saint Louis, Saint Charles County, Missouri 63367, as a member of the Saint Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2012, and until his successor is duly appointed and qualified; vice, Mary West, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2008, while the Senate was not in session.

J. Howard Fisk, 1535 East Meadowmere Place, Springfield, Greene County, Missouri 65804, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 17, 2008, while the Senate was not in session.

Charles “Denny” Fitterling, 1110 SE Scenic Drive, Blue Springs, Jackson County, Missouri 64014, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 11, 2008, while the Senate was not in session.

David A. Fleming, 9500 West Terrapin Ridge Road, Columbia, Boone County, Missouri 65203, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 14, 2008, while the Senate was not in session.

Mark A. Fohey, Democrat, 8760 County Road 422, Hannibal, Marion County, Missouri 63401, as a member of the Air Conservation Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2008, while the Senate was not in session.

Ronnie D. Fox, Republican, 1136 Carissa Court, Bonne Terre, Saint Francois County, Missouri 63628, as a member of the Dam and

Reservoir Safety Council, for a term ending April 3, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2008, while the Senate was not in session.

Tim W. Francka, 1553 Highway KK, Bolivar, Polk County, Missouri 65613, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 17, 2008, while the Senate was not in session.

John M. Freeze, 2906 Bernice Street, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Dental Board, for a term ending October 16, 2013, and until his successor is duly appointed and qualified; vice, H. Fred Christman, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2008, while the Senate was not in session.

Richard H. Frueh, Republican, 10 Beacon Hill Lane, Creve Coeur, Saint Louis County, Missouri 63141, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2008, while the Senate was not in session.

Christine M. Gardner, 1205 Bald Hill Road, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2011, and until her successor is duly appointed and qualified; vice, Letitia Thomas term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2008, while the Senate was not in session.

Keith A. Gary, 17619 South Merriott, Pleasant Hill, Cass County, Missouri 64080, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 17, 2008, while the Senate was not in session.

Robert R. Gattermeir, Republican, 252 Shaw Road, Olean, Miller County, Missouri 65064, as a member of the State Lottery Commission, for a term ending September 7, 2010, and until his successor is duly appointed and qualified; vice, Barbara Tiedt, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2008, while the Senate was not in session.

Lenora N Gaydusek, 27812 South Buford Road, Harrisonville, Cass County, Missouri 64701, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 5, 2008, while the Senate was not in session.

Peggy Gettemeier, 1072 Chatelet Drive, Ferguson, Saint Louis County, Missouri 63135, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 12, 2008, while the Senate was not in session.

Richard T. Griffey, 122 Lake Forest Drive, Richmond Heights, Saint Louis County, Missouri 63117, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2008, while the Senate was not in session.

Hanford Gross, Independent, 8029 Venetian, Clayton, Saint Louis County, Missouri 63105, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2011, and until his successor is duly appointed and qualified; vice, Norella Huggins, deceased.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2008, while the Senate was not in session.

Elizabeth K. Grove, 36970 Monroe Road 370, Monroe City, Monroe County, Missouri 63456, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 10, 2008, while the Senate was not in session.

Nelson C. Grumney, Jr., Republican, 2 Saint Andrews Drive, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2008, while the Senate was not in session.

John G. Harper, 2813 Burrwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, John Harper, withdrawn.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2008, while the Senate was not in session.

Boyd L. Harris, Independent, 19510 North Drew Road, Centralia, Boone County, Missouri 65240, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2011, and until his successor is duly appointed and qualified; vice, Rick Muenks, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 10, 2008, while the Senate was not in session.

Richard W. Hashagen, 19324 County Road 1250, Saint James, Phelps County, Missouri 65559, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2010, and until his successor is duly appointed and qualified; vice, Sheldon Lineback, withdrawn.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 8, 2008, while the Senate was not in session.



Mark S. Hasheider, 1712 Fremont, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Seismic Safety Commission, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 3, 2008, while the Senate was not in session.

Connie L. Hebert, 1553 Trenton Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2008, while the Senate was not in session.

Cynthia E. Heischmidt, 2317 Brookwood Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2012, and until her successor is duly appointed and qualified; vice, Deborah Gereke, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2008, while the Senate was not in session.

Richard A. Heithaus, 188 Portmarnock Lane, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 29, 2008, while the Senate was not in session.

Jacqueline M. Hempen, Republican, 1872 Morgan Road, Barnhart, Jefferson County, Missouri 63012, as a member of the Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2011, and until her successor is duly appointed and qualified; vice, Jerome Govero, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 12, 2008, while the Senate was not in session.

Martha E. Hildebrandt, 7112 Boucher Circle, Liberty, Clay County, Missouri 64068, as a member of the Well Installation Board, for a term ending February 24, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 12, 2008, while the Senate was not in session.

Kristina R. Hill, 13 Burgher Drive, Rolla, Phelps County, Missouri 65401, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2010, and until her successor is duly appointed and qualified; vice, Richard Edging, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 12, 2008, while the Senate was not in session.

Eugene J. Hites, Democrat, 15 Hawn Court, Leadington, Saint Francois County, Missouri 63601, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 14, 2008, while the Senate was not in session.

Michelle L. Hoffmeister, 3071 Countryside Drive, Farmington, Saint Francois County, Missouri 63640, as a member of the Missouri

Planning Council for Developmental Disabilities, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Gary Stevens, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 16, 2008, while the Senate was not in session.

Debra A. Hollingsworth, Independent, 674 Carman Meadows, Manchester, Saint Louis County, Missouri 63021, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2014, and until her successor is duly appointed and qualified; vice, Cynthia Brinkley, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2008, while the Senate was not in session.

Stephen B. Hoven, Republican, 645 Huntley Heights Drive, Saint Louis, Saint Louis County, Missouri 63021, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2013, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2008, while the Senate was not in session.

Jean H. Howard, Democrat, 1954 Shady Creek, Auxvasse, Callaway County, Missouri 65231, as a member of the State Committee of Dietitians, for a term ending June 11, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2008, while the Senate was not in session.

Margaret J. “Mitzi” Huffman, 15 Dalton Circle, Branson, Stone County, Missouri 65616, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2009, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 29, 2008, while the Senate was not in session.

Naomi R. Hunter, 2402 Montana Place, Joplin, Jasper County, Missouri 64804, as a member of the State Committee for Professional Counselors, for a term ending August 28, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 10, 2008, while the Senate was not in session.

Terry M. Jarrett, 2708 Kenwood Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2010, and until his successor is duly appointed and qualified; vice, Linward Appling, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by Lieutenant Governor Peter Kinder, while serving as Acting Governor, with my permission on June 17, 2008, while the Senate was not in session.

Leonard C. Johnson, III, 4119 Magnolia Avenue, Apartment 11, Saint Louis City, Missouri 63110, as a student representative of the Harris-Stowe State University Board of Regents, for a term ending December 31, 2009, and until his successor is duly appointed and qualified; vice, Jason Ware, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2008, while the Senate was not in session.

Eddy A. Justice, 319 Remington Place, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri State Employees Voluntary Life Insurance Commission, for a term ending October 7, 2008, and until his successor is duly appointed and qualified; vice, Dale Reesman, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2008, while the Senate was not in session.

Eddy A. Justice, 319 Remington Place, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri State Employees Voluntary Life Insurance Commission, for a term ending October 7, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 3, 2008, while the Senate was not in session.

Julie R. Keathley, 1011 Ridgetop Drive, Dexter, Stoddard County, Missouri 63841, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 15, 2008, while the Senate was not in session.

Sharon L. Keating, 3805 Sherwood Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2008, while the Senate was not in session.

Ronald N. Kemp, 3875 South 143<sup>rd</sup> Road, Bolivar, Polk County, Missouri 65613, as a member of the State Committee of Marital and

Family Therapists, for a term ending January 26, 2010, and until his successor is duly appointed and qualified; vice, Dorothy Becvar, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 3, 2008, while the Senate was not in session.

Michele G. Kilo, 3413 NW 62<sup>nd</sup> Terrace, Kansas City, Platte County, Missouri 64151, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 12, 2008, while the Senate was not in session.

Orvin T. Kimbrough, Independent, 5119 Raymond Avenue, Saint Louis City, Missouri 63113, as a member of the Missouri State University Board of Governors, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, James Buford, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2008, while the Senate was not in session.

D. Kent King, 602 La Chateau Place, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Community Service Commission, for a term ending December 12, 2009, and until his successor is duly appointed and qualified; vice, Jay Acock, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by Lieutenant Governor Peter Kinder, while serving as Acting Governor, with my permission on June 17, 2008, while the Senate was not in session.

Thelma J. Kinion, 202 Niagra Drive, Wentzville, Saint Charles County, Missouri 63385, as a member of the Board of Cosmetology and

Barber Examiners, for a term ending May 1, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2008, while the Senate was not in session.

Lowell C. Kruse, Democrat, 7300 SE 75<sup>th</sup> Road, Saint Joseph, Buchanan County, Missouri 64507, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2014, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 15, 2008, while the Senate was not in session.

Dena S. Ladd, 6 Rio Vista, Saint Louis, Saint Louis County, Missouri 63134, as a member of the Children's Trust Fund Board, for a term ending September 15, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2008, while the Senate was not in session.

Stephen H. Lawler, 3156 Crystal Lake Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2010, and until his successor is duly appointed and qualified; vice, Florine Penrod, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2008, while the Senate was not in session.

Mary A. Long, Democrat, 6500 East 108<sup>th</sup> Street, Kansas City, Jackson County, Missouri 64134, as a member of the University of Central Missouri Board of Governors, for a term ending January 1, 2011, and until her successor is duly appointed and qualified; vice, Michelle Wimes,

resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2008, while the Senate was not in session.

Ivy Love, 207 Garrett, Greenfield, Dade County, Missouri 65661, as student representative of the Missouri Southern State University Board of Governors, for a term ending December 31, 2009, and until her successor is duly appointed and qualified; vice, Eric Norris, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 14, 2008, while the Senate was not in session.

Jennifer A. Lowry, 16715 Trent Court, Platte City, Platte County, Missouri 64079, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2010, and until her successor is duly appointed and qualified; vice, Diliane Charles Pelikan, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 25, 2008, while the Senate was not in session.

Mark A. Manley, 5205 West 32, Sedalia, Pettis County, Missouri 65301, as a member of the Entrepreneurial Development Council, for a term ending September 24, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.050.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 26, 2008, while the Senate was not in session.

Bruce E. Manning, 12466 Roth Hill Drive, Maryland Heights, Saint Louis County, Missouri 63043, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2010, and until his successor is duly appointed and qualified; vice, Lanny Meng, term



expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by Lieutenant Governor Peter Kinder, while serving as Acting Governor, with my permission on September 16, 2008, while the Senate was not in session.

Richard L. Mansfield, Republican, 1803 South Cottage Grove Place, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Community Service Commission, for a term ending December 15, 2008, and until his successor is duly appointed and qualified; vice, Vicki Rhew, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 16, 2008, while the Senate was not in session.

Richard L. Mansfield, Republican, 1803 South Cottage Grove Place, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 3, 2008, while the Senate was not in session.

John F. Mantovani, 8038 Watkins Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 12, 2008, while the Senate was not in session.

Russell K. Mason, 98 North Hillview Drive, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Advisory Committee

for 911 Service Oversight, for a term ending April 9, 2010, and until his successor is duly appointed and qualified; vice, Sherman George, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 5, 2008, while the Senate was not in session.

Mark E. Mattingly, 538 Green Meadows Lane, Perryville, Perry County, Missouri 63775, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2010, and until his successor is duly appointed and qualified; vice, Gwenna Peters.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 3, 2008, while the Senate was not in session.

Vicki L. McCarrell, 6879 Highway 135, Pilot Grove, Cooper County, Missouri 65276, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 3, 2008, while the Senate was not in session.

Donald J. McCary, 10 Hollow Tree Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 3, 2008, while the Senate was not in session.

Phillip W. McClendon, 6445 Park Circle, Joplin, Jasper County, Missouri 64801, as a member of the Mental Health Commission, for a

term ending June 28, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 13, 2008, while the Senate was not in session.

Teresa K. McElyea, 2453 County Road 5800, Willow Springs, Howell County, Missouri 65793, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2012, and until her successor is duly appointed and qualified; vice, Clarissa McCamy, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 3, 2008, while the Senate was not in session.

Timothy P. McGrail, 1621 Wilmor Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2011, and until his successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 4, 2008, while the Senate was not in session.

James J. "Jay" McMillen, 4004 Miller Road, Saint Joseph, Buchanan County, Missouri 64505, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2009, and until his successor is duly appointed and qualified; vice, Shawn P. Griffin, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 13, 2008, while the Senate was not in session.

Anne E. McRoberts, Republican, Rural Route 1 Box 71, Malta Bend, Saline County, Missouri 65339, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2009, and until her successor is duly appointed and qualified; vice, Anne E.

McRoberts, withdrawn.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 12, 2008, while the Senate was not in session.

Kenneth E. Meyer, 3639 East Kensington, Springfield, Greene County, Missouri 65802, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2012, and until his successor is duly appointed and qualified; vice, Elaine Hoffmeister-Mooney, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2008, while the Senate was not in session.

Regina M. Meyer, 205 Millpond Lane, Jefferson City, Cole County, Missouri 65101, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2011, and until her successor is duly appointed and qualified; vice, Michael Conner, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2008, while the Senate was not in session.

Steven D. Millikan, 7701 South Chimney Ridge Road, Columbia, Boone County, Missouri 65203, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2008, while the Senate was not in session.

Kyra K. Mills, 513 Park East Drive, Rock Port, Atchison County, Missouri 64482, as a member of the Safe Drinking Water Commission,

for a term ending September 1, 2012, and until her successor is duly appointed and qualified; vice, Susan Hazelwood, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 3, 2008, while the Senate was not in session.

Timothy G. Mitchell, 15334 Heron Drive, Neosho, Newton County, Missouri 64850, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2008, while the Senate was not in session.

Randall L. Moore, 719 Club Lane, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 15, 2008, while the Senate was not in session.

Patrice O. Mugg, 626 North Geyer Road, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Children's Trust Fund Board, for a term ending September 15, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 14, 2008, while the Senate was not in session.

Brenda L. Niemeyer, Route 1, Box 174, Edina, Knox County, Missouri 63537, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Kim Riley,

withdrawn.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 3, 2008, while the Senate was not in session.

Christopher A. Norton, 1702 Osage Hickory Street, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2008, while the Senate was not in session.

Sharon D. Oetting, Independent, 30462 Emma Road, Concordia, Lafayette County, Missouri 64020, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2012, and until her successor is duly appointed and qualified; vice, Susan Williamson, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 15, 2008, while the Senate was not in session.

Mark E. Ohrenberg, 5119 Clark Lane, Apartment 102, Columbia, Boone County, Missouri 65202, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2011, and until his successor is duly appointed and qualified; vice, Sharon Smith, withdrawn.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 18, 2008, while the Senate was not in session.

Elmo “Skip” O’Neal, Democrat, 1951 Hepperman Road, Wentzville, Saint Charles County, Missouri 63385, as a member of the Missouri Community Service Commission, for a term ending December 15, 2010, and until his successor is duly appointed and qualified; vice, Hal Roper, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 10, 2008, while the Senate was not in session.

Joseph R. Ortwerth, Republican, 1018 Treeshade Drive, Saint Peters, Saint Charles County, Missouri 63376, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, Mark Tucker, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2008, while the Senate was not in session.

Harry J. Otto, 713 Hobbs Road, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Private Investigator Examiners, for a term ending March 3, 2009, and until his successor is duly appointed and qualified; vice, RSMo 324.1102.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2008, while the Senate was not in session.

Joseph A. Paulsmeyer, Democrat, 425 Paulsmeyer Road, Silex, Lincoln County, Missouri 63377, as a member of the Missouri Alternative Fuels Commission, for a term ending March 25, 2012, and until his successor is duly appointed and qualified; vice, RSMo 414.420.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 4, 2008, while the Senate was not in session.

John S. Pearson, 1414 Avion Ridge, Apartment 111, Arnold, Jefferson County, Missouri 63010, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2010, and until his successor is duly appointed and qualified; vice, Debra McCaul, term expired.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 12, 2008, while the Senate was not in session.

Paul G. Perniciano, 2209 Sycamore Drive, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2008, while the Senate was not in session.

Jeanette E. Prenger, 5633 Cedar Court, Parkville, Platte County, Missouri 64152, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 5, 2008, while the Senate was not in session.

Philip E. Prewitt, 1403 Englewood, Macon, Macon County, Missouri 63552, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2009, and until his successor is duly appointed and qualified; vice, S. Lee Kling, resigned.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2008, while the Senate was not in session.



C. Larry Ray, Democrat, 722 South Highway J, Hayti, Pemiscot County, Missouri 63851, as a member of the State Lottery Commission, for a term ending September 7, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2008, while the Senate was not in session.

Michael A. Reilly, 45 Lake Forrest Lane, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Seismic Safety Commission, for a term ending July 1, 2010, and until his successor is duly appointed and qualified; vice, Melvin DeClue, resigned.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 5, 2008, while the Senate was not in session.

Edward "Sandy" Renshaw, III, 918 Huntington Chase, Fenton, Jefferson County, Missouri 63026, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2010, and until his successor is duly appointed and qualified; vice, Daniel Abbott, term expired.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 5, 2008, while the Senate was not in session.

John Riffle, 22010 Riffle Road, Pleasant Hill, Cass County, Missouri 64080, as a member of the Land Reclamation Commission, for a term ending September 28, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by Lieutenant Governor Peter Kinder, while serving as Acting Governor, with my permission on June 17, 2008, while the Senate was not in session.

Sharlene A. Rimiller, 312 Troy Street, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Dental Board, for a term

ending October 16, 2012, and until her successor is duly appointed and qualified; vice, Maxine Thompson, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 26, 2008, while the Senate was not in session.

Steven C. Roberts, Democrat, #1 Westmoreland Place, Saint Louis City, Missouri 63108, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2014, and until his successor is duly appointed and qualified; vice, Queen Fowler, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 14, 2008, while the Senate was not in session.

Richard H. Rocha, Republican, 405 West 68<sup>th</sup> Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Air Conservation Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 5, 2008, while the Senate was not in session.

Thomas H. Rockers, 153 Gay Avenue, Saint Louis, Saint Louis County, Missouri 63105, as a member of the Missouri Health Insurance Pool, for a term ending December 31, 2009, and until his successor is duly appointed and qualified; vice, RSMo 376.961.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 5, 2008, while the Senate was not in session.

Lyle S. Rosburg, 3749 Schott Road, Jefferson City, Cole County, Missouri 65101, as a member of the State Committee of Psychologists,

for a term ending August 28, 2011, and until his successor is duly appointed and qualified; vice, Willa McCullough, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by Lieutenant Governor Peter Kinder, while serving as Acting Governor, with my permission on September 16, 2008, while the Senate was not in session.

Steven S. Rothert, 500 Peckew Trail, Jackson, Cape Girardeau County, Missouri 63755, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Benard Orman, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 3, 2008, while the Senate was not in session.

Anne M. Roux, 808 Kentridge Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2008, while the Senate was not in session.

Joseph A. Salomone, 16314 Pinecrest Drive, Kearney, Clay County, Missouri 64060, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2009, and until his successor is duly appointed and qualified; vice, RSMo 190.101.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2008, while the Senate was not in session.

Helen J. Sandkuhl, 4943 Shaw Avenue, Saint Louis City, Missouri 63110, as a member of the State Advisory Council on Emergency

Medical Services, for a term ending January 5, 2012, and until her successor is duly appointed and qualified; vice, Judith Landvatter, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 16, 2008, while the Senate was not in session.

Raynel G. Schallert, Republican, 4497 Farm Road 1090, Monett, Barry County, Missouri 65708, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2008, while the Senate was not in session.

Stanley Schmidt, 740 Belle Air Place, Carthage, Jasper County, Missouri 64836, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2013, and until his successor is duly appointed and qualified; vice, Paul Thomas Mechsner, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2008, while the Senate was not in session.

Duane E. Schreimann, Democrat, 603 Turnberry Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2014, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 12, 2008, while the Senate was not in session.

Jay L. Schulteheinrich, 2734 Willowford Lane, Saint Clair, Franklin County, Missouri 63077, as a member of the State Board of Mediation, for a term ending April 1, 2010, and until his successor is duly appointed and qualified; vice, RSMo 295.030.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2008, while the Senate was not in session.

Kelly J. Scott, 101 Lexibelle Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2012, and until her successor is duly appointed and qualified; vice, Amanda Skaggs, term expired.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 16, 2008, while the Senate was not in session.

Claudette M. Scott-Rogers, Democrat, 7327 Harrison Street, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2008, while the Senate was not in session.

L. Carol Scott, 462 Whittier Street, Apartment 203, Saint Louis City, Missouri 63108, as member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, RSMo 210.102.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October

17, 2008, while the Senate was not in session.

Thomas J. Selva, 4706 Heatherstone Court, Columbia, Boone County, Missouri 65203, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2008, while the Senate was not in session.

Gregory F. Sharpe, 22364 State Highway 156, Ewing, Lewis County, Missouri 63440, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2008, while the Senate was not in session.

Margaret D. Shea, 628 North Geyer Road, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2010, and until her successor is duly appointed and qualified; vice, Linda Connor, term expired.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 4, 2008, while the Senate was not in session.

Travis R. Shearer, HC 73, Box 209, Drury, Douglas County, Missouri 65638, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2010, and until his successor is duly appointed and qualified; vice, W. Dennis Thousand, term expired.

Respectfully submitted,

Matt Blunt

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October

23, 2008, while the Senate was not in session.

Allen R. Shirley, Republican, 3520 South Alabama, Joplin, Newton County, Missouri 64804, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, Robert Fulp, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 5, 2008, while the Senate was not in session.

Robert S. Shotts, 14390 Skyline Drive, Lebanon, Laclede County, Missouri 65536, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2010, and until his successor is duly appointed and qualified; vice, Patti Banks, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 25, 2008, while the Senate was not in session.

Sharon R. Laningham Silver, 414 NE 54 Terrace, Kansas City, Clay County, Missouri 64118, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, Gilbert Alderson, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2008, while the Senate was not in session.

David J. Siscel, 240 East Bodley Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2011, and until his successor is duly appointed and qualified; vice, A. Stephen Coburn, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October

29, 2008, while the Senate was not in session.

Mark E. Skrade, 4672 South Farm Road 193, Rogersville, Greene County, Missouri 65807, as a member of the State Committee of Psychologists, for a term ending August 28, 2012, and until his successor is duly appointed and qualified; vice, Daniel Orme, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by Lieutenant Governor Peter Kinder, while serving as Acting Governor, with my permission on June 17, 2008, while the Senate was not in session.

Francis G. Slack, 1 Manderleigh Estates Court, Frontenac, Saint Louis County, Missouri 63131, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2011, and until his successor is duly appointed and qualified; vice, Francis Slack, withdrawn.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 13, 2008, while the Senate was not in session.

Toni R. Smith, 2301 South First Street, Kirksville, Adair County, Missouri 63501, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2008, while the Senate was not in session.

Toni R. Smith, Republican, 2301 South First Street, Kirksville, Adair County, Missouri 63501, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August



13, 2008, while the Senate was not in session.

Nancy A. Spears, 712 Swifts Highway, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2009, and until her successor is duly appointed and qualified; vice, Carol Shelley, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 14, 2008, while the Senate was not in session.

Kit O. Stahlberg, 416 North Chamber, Apartment B3, Fredericktown, Madison County, Missouri 63645, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 5, 2008, while the Senate was not in session.

Dawn M. Standley, 5776 Bluebird Circle, Osage Beach, Camden County, Missouri 65065, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2008, and until her successor is duly appointed and qualified; vice, Melinda Christianson, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 8, 2008, while the Senate was not in session.

Dawn M. Standley, 5776 Bluebird Circle, Osage Beach, Camden County, Missouri 65065, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July

7, 2008, while the Senate was not in session.

Donald H. Steen, 343 Cat Rock Road, Eldon, Miller County, Missouri 65026, as the Director of the Department of Agriculture, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Katie Smith, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2009, while the Senate was not in session.

Francis J. Stokes, 320 Union Boulevard, Saint Louis City, Missouri 63108, as a member of the Missouri Technology Corporation, for a term ending October 1, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 19, 2008, while the Senate was not in session.

John R. Sullivan, 1183 CR 2790, Mountain View, Howell County, Missouri 65548, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2010, and until his successor is duly appointed and qualified; vice, Charli Jo Ledgerwood, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 25, 2008, while the Senate was not in session.

Suzanne E. Taggart, 24010 Highway D, California, Moniteau County, Missouri 65018, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2009, and until her successor is duly appointed and qualified; vice, Dawn Fuller, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2008, while the Senate was not in session.

Garry Taylor, 979 Diamond Ridge, Jefferson City, Cole County, Missouri 65109, as the Director of the Department of Economic Development, for a term ending at the pleasure of the Governor, and until his successor is duly appointed an qualified; vice, Greg A. Steinhoff.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 12, 2008, while the Senate was not in session.

Marsha A. Taylor, 5144 Chelsea, Springfield, Greene County, Missouri 65804, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by Lieutenant Governor Peter Kinder, while serving as Acting Governor, with my permission on June 17, 2008, while the Senate was not in session.

Robert W. Taylor, 32810 Sleepy Hollow Lane, Sedalia, Pettis County, Missouri 65301, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2012, and until his successor is duly appointed and qualified; vice, Stanley Bevelle, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 15, 2008, while the Senate was not in session.

Shirley S. Taylor, 18802 Evergreen Terrace, Saint Joseph, Andrew County, Missouri 64505, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2011, and until her successor is duly appointed and qualified; vice, Donna Bushur, withdrawn.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2008, while the Senate was not in session.

Gregory L. Temple, 8986 County Road 9190, West Plains, Howell County, Missouri 65775, as a member of the Missouri Dental Board, for a term ending October 16, 2012, and until his successor is duly appointed and qualified; vice, John L. Sheets, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2008, while the Senate was not in session.

Tamara L. Thielemier, 221 Little Creek Court, Jefferson City, Cole County, Missouri 65109, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2010, and until her successor is duly appointed and qualified; vice, Sharon Robinson, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2008, while the Senate was not in session.

Sandra L. Thomas, 5920 North West 96<sup>th</sup> Terrace, Kansas City, Platte County, Missouri 64154, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2013, and until her successor is duly appointed and qualified; vice, Kenneth Clark, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 16, 2008, while the Senate was not in session.

Joshua T. Travis, Democrat, 207 Hudson - 1202 Rollins Street, Columbia, Boone County, Missouri 65201, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 25, 2008, while the Senate was not in session.

Robin E. Threlkeld, 3505 NW 86<sup>th</sup> Street, Kansas City, Platte County, Missouri 64154, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2011, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2008, while the Senate was not in session.

James M. Upchurch, 1 Janney Circle, Canton, Lewis County, Missouri 63435, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2009, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2008, while the Senate was not in session.

Theresa A. Valdes, 825 Cari Ann Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Glenda Kremer, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 14, 2008, while the Senate was not in session.

Janet L. Vanderpool, 508 South Coleman Street, Princeton, Mercer County, Missouri 64673, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2012, and until her successor is duly appointed and qualified; vice, Hillard Kay Thurston, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 14, 2008, while the Senate was not in session.

Beth L. Viviano, 358 Summer Top Lane, Fenton, Saint Louis County, Missouri 63026, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 4, 2008, while the Senate was not in session.

Renée A. Walker, 2741 Briar Oaks Lane, Joplin, Newton County, Missouri 64804, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2010, and until her successor is duly appointed and qualified; vice, Frederick DeFeo, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 14, 2008, while the Senate was not in session.

Thomas N. Wapelhorst, Republican, 3605 Collingwood, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Saint Charles Convention and Sports Facilities Authority, for a term ending April 27, 2013, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 11, 2008, while the Senate was not in session.

Christina R. Warren, 1654 Donna Lynn Drive, Jackson, Cape Girardeau County, Missouri 63755, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 14, 2008, while the Senate was not in session.

Susan M. Wendleton, Republican, 9054 Ginger Lane, Carthage, Jasper County, Missouri 64836, as a member of the Missouri Public Entity Risk Management Fund, for a term ending July 15, 2011, and until her successor is duly appointed and qualified; vice, Tina Odo, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2008, while the Senate was not in session.

Lisa S. Wilburn, 23097 Gurney Road, Brookfield, Linn County, Missouri 64628, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2008, while the Senate was not in session.

Diana L. Willard, 4010 Belle Locke, Joplin, Jasper County, Missouri 64804, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2011, and until her successor is duly appointed and qualified; vice, Owen Lunn, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 29, 2008, while the Senate was not in session.

Sharon M. Williams, 5537 NE Northgate Crossing, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2009, and until her successor is duly appointed and qualified; vice, Pamela Schneeflock, term expired.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 10, 2008, while the Senate was not in session.

Richard J. Wilson, Republican, 811 Harvest Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2008, while the Senate was not in session.

Kurt D. Witzel, 3116 Southridge Park Lane, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2008, while the Senate was not in session.

Celeste T. Witzel, Republican, 3116 Southridge Park Lane, Saint Louis, Saint Louis County, Missouri 63129, as a member of the State Lottery Commission, for a term ending September 7, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 16, 2008, while the Senate was not in session.

Barbara L. Wolken, Democrat, 2611 Jennifer Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2008, while the Senate was not in session.



Terri L. Woodward, 35411 Highway 63 North, Vienna, Maries County, Missouri 65582, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2009, and until her successor is duly appointed and qualified; vice, Wendy D. Dillender, resigned.

Respectfully submitted,  
Matt Blunt

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
January 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 14, 2008, while the Senate was not in session.

Gerald J. Zafft, 10498 Frontenac Woods Lane, Saint Louis, Saint Louis County, Missouri 63131, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Matt Blunt

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 3**.

#### HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fifth General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers to wit:

Speaker .....	Ron Richard
Speaker Pro Tem .....	Bryan Pratt
Chief Clerk .....	D. Adam Crumbliss
Doorkeeper .....	Don Knollmeyer
Sergeant-at-Arms .....	Ralph Robinett
Chaplains .....	Reverend Monsignor Donald W. Lammers and Reverend James Earl Jackson

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 4**.

#### HOUSE RESOLUTION NO. 4

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-fifth General Assembly, First Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

### COMMUNICATION

President Pro Tem Shields submitted the following:

January 7, 2009

Ms. Terry Spieler  
Secretary of the Senate  
State Capitol, Office 325  
Jefferson City, MO 65109

Dear Ms. Spieler:

Please appoint the following Senators to the committee on

Administration:

Shields, Chairman  
Engler, Vice-Chairman  
Scott  
Callahan  
Wright-Jones

Sincerely,

/s/ Charlie Shields

Charlie Shields

## **RESOLUTIONS**

Senator Schmitt offered Senate Resolution No. 3, regarding Ross Bolinger, St. Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 4, regarding Robert Patrick Casey, Union, which was adopted.

Senator McKenna offered Senate Resolution No. 5, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Daniel Freeze, Festus, which was adopted.

Senator Purgason offered Senate Resolution No. 6, regarding Hannah Lucas, Mountain View, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Engler introduced to the Senate, his wife, Chris, Farmington; Craig Engler, St. Louis; and Mike Livingstone, Valley Park.

Senator Lembke introduced to the Senate, his mother, Marilyn, Villages, Florida; his wife, Donna; and their children, Anna and Mitchell; and John and Earlene Judd, St. Louis.

Senator Ridgeway introduced to the Senate, her husband, Dr. Richard Ridgeway, Smithville; and Daryl and Linda Ridgeway.

Senator Wilson introduced to the Senate, her husband, James B. "Jim" Wilson, Kansas City; and Monica Sharp, Columbia.

Senator Mayer introduced to the Senate, his mother, Marjean; his wife, Nancy and their children, Jason and Lauren; and Bob Mayer, Dexter.

Senator Dempsey introduced to the Senate, his wife, Molly and their daughters, Meaghan and Abby; Keith and Margaret Schulte; Don and Kay Young; and Grant Gorman, St. Charles.

Senator Stouffer introduced to the Senate, his wife, Sue Ellen, Napton; and their sons, Bert, Liberty; and Rob, Lee's Summit; and Jacque, Rachel, Bennett, Madeline, Will and Jake Stouffer.

Senator Cunningham introduced to the Senate, Lucy LePage, Samantha Wilson and Cindy Hager, Jefferson City.

Senator Wright-Jones introduced to the Senate, her mother Jean O. Wright; her sons, Damon A. and Adam C. Jones; and her grandchildren, Alexandra and Adam C. Jones, II, St. Louis; and family and friends from Missouri and Illinois.

Senator Schaefer introduced to the Senate, his wife, Stacia; and their sons, Max and Wolf, Columbia; and Tom Atkins, Yancy Williams and David Shorr, Columbia; Pat Thomas, Mexico; Linda Bushman, Jennifer Griffin and Bill Wyrick, Jefferson City.

Senator Schmitt introduced to the Senate, his parents, Steve and Kathy Schmitt; his wife, Jaime; and their children, Stephen and Sophia; and Gloria Patrick and John Hessel, St. Louis County.

Senator Pearce introduced to the Senate, his wife, Teresa; their children, Molly and Andrew; and Mark, Tanner and Ann Pearce, Warrensburg; and friends from Johnson, Cass, Bates and Vernon Counties.

Senator Purgason introduced to the Senate, his wife, Janet, Caulfield.

Senator Goodman introduced to the Senate, his mother, Joyce Goodman, Pierce City; his wife, Laura; and their son, Jack Elliott Goodman, Mt. Vernon; Jerry and Terry Burrus, Mount Vernon; Cecile Hogue, McKinney, Texas; Charle Ware, Charles and Barbara Shoun, Jefferson City; Miles Rogg, Springfield; and Kailey Honeycutt, Joplin.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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SECOND DAY—THURSDAY, JANUARY 8, 2009

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1-Scott	SB 13-Bartle
SB 2-Scott	SB 14-Nodler
SB 3-Scott	SB 15-Nodler
SB 4-Shields	SB 16-Nodler
SB 5-Griesheimer	SB 17-Bray, et al
SB 6-Griesheimer	SB 18-Bray, et al
SB 7-Griesheimer	SB 19-Bray, et al
SB 8-Champion	SB 20-Days and Smith
SB 9-Champion	SB 21-Days, et al
SB 10-Champion	SB 22-Days and Bray
SB 11-Bartle, et al	SB 23-Callahan
SB 12-Bartle and Smith	SB 24-Callahan

SB 25-Callahan	SB 73-Stouffer
SB 26-Ridgeway	SB 74-Wilson
SB 27-Ridgeway	SB 75-Wilson
SB 28-Ridgeway	SB 76-Wilson
SB 29-Stouffer	SB 77-Stouffer
SB 30-Stouffer	SB 78-Wilson
SB 31-Stouffer	SB 79-Wilson
SB 32-Wilson	SB 80-Wilson
SB 33-Wilson	SB 81-Wilson
SB 34-Wilson	SB 82-Wilson
SB 35-Goodman and Champion	SB 83-Wilson
SB 36-Goodman	SB 84-Purgason
SB 37-Goodman	SB 85-Crowell
SB 38-Rupp	SB 86-Crowell
SB 39-Rupp	SB 87-Crowell
SB 40-Rupp	SB 88-Stouffer
SB 41-Cunningham	SB 89-Stouffer
SB 42-Cunningham and Smith	SB 90-Stouffer
SB 43-Pearce	SB 91-Green, et al
SB 44-Pearce	SB 92-Green, et al
SB 45-Pearce	SB 93-Green
SB 46-Schaefer	SB 94-Justus, et al
SB 47-Scott	SB 95-Justus
SB 49-Scott	SB 96-Justus, et al
SB 50-Bray	SB 97-Smith
SB 51-Bray	SB 98-Smith
SB 52-Bray	SB 99-Cunningham
SB 53-Days	SB 100-Schaefer
SB 54-Days	SB 101-Green
SB 55-Days	SB 102-Green
SB 56-Callahan	SB 103-Green
SB 57-Stouffer	SB 104-Justus, et al
SB 58-Stouffer	SB 105-Justus, et al
SB 59-Stouffer	SB 106-Justus
SB 60-Wilson	SB 107-Green
SB 61-Wilson	SB 108-Justus
SB 62-Wilson	SB 109-Justus, et al
SB 63-Rupp and Smith	SB 110-Crowell
SB 64-Rupp	SB 111-Crowell
SB 65-Rupp	SB 112-Crowell
SB 66-Scott	SB 113-Crowell
SB 67-Scott	SB 114-Crowell
SB 68-Bray	SB 115-Bray
SB 69-Bray	SB 116-Bray
SB 70-Bray	SB 117-Green
SB 71-Stouffer	SB 118-Griesheimer
SB 72-Stouffer	SB 119-Griesheimer

SB 120-Bray	SB 144-Wright-Jones
SB 121-Purgason	SB 145-Wright-Jones
SB 122-Griesheimer	SB 146-Dempsey
SB 123-Griesheimer	SB 147-Dempsey
SB 124-Bray	SB 148-Dempsey
SB 125-Bray	SB 149-Dempsey
SB 126-Rupp	SB 150-Griesheimer
SB 127-Rupp	SB 151-Clemens
SB 128-Rupp	SB 152-Clemens
SB 129-McKenna, et al	SB 153-Clemens
SB 130-McKenna, et al	SB 154-Goodman
SB 131-Smith	SB 155-Goodman
SB 132-Smith	SB 156-Goodman
SB 133-Smith	SB 157-Schmitt
SB 134-Dempsey	SB 158-Clemens
SB 135-Dempsey	SB 159-Clemens
SB 136-Rupp and Smith	SB 160-Crowell
SB 137-Rupp	SB 161-Crowell
SB 138-Smith	SB 162-Crowell
SB 139-Mayer	SJR 1-Bartle
SB 140-Smith	SJR 2-Bartle
SB 141-Smith	SJR 3-Crowell
SB 142-Bartle	SJR 4-Cunningham
SB 143-Mayer	SJR 5-Schmitt

## INFORMAL CALENDAR

### RESOLUTIONS

To be Referred

SCR 2-Crowell

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# Journal of the Senate

## FIRST REGULAR SESSION

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**SECOND DAY—THURSDAY, JANUARY 8, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

He who carries God in his heart bears heaven with him wherever he goes. (St. Ignatius of Loyola)

Almighty God, as we travel today and this weekend help us to be mindful that what we do and say is a witness to our character and beliefs. Help us to spend time with our families knowing in the weeks ahead there will be less and less time for us to do that. Help us to spend time in prayer and in Your house this weekend for we know that this will be a year which will call for wisdom and strength that You alone can provide. All this we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senators

Bray                Nodler—2

Vacancies—None

The Lieutenant Governor was present.

**REMONSTRANCES**

Senator Green offered the following remonstrance, which was read:

**SENATE REMONSTRANCE NO. 1**

WHEREAS, the state of Missouri faces an estimated three hundred forty-two million dollar budget shortfall for 2009; and

WHEREAS, it is estimated that more than five hundred million dollars in tax credits will be redeemed this year; and

WHEREAS, it has been projected that the state of Missouri may lose as many as ten thousand jobs this year; and

WHEREAS, declining property values and weak consumer spending are resulting in sharp declines in state tax revenues; and

WHEREAS, regardless of the decrease in state revenue, the state is expected to provide for the health, safety, and well being of its citizens; and

WHEREAS, last month, in the midst of declining state revenues, projected budget shortfalls for this year and the next, and media reports of continuing declines in fan attendance, the Missouri Development Finance Board approved a measure issuing twenty-five million dollars in tax credits to the Kansas City Chiefs Football Team; and

WHEREAS, just two years prior to this most recent grant of tax credits to the Chiefs organization, the state issued fifty million dollars in tax credits to the Chiefs to pay for renovations; and

WHEREAS, the state of Missouri should take every step to ensure that vital tax incentives be used only to pursue job creation; and

WHEREAS, the state tax incentives should be used to support small businesses, colleges and universities, job training and retraining programs and to help create new jobs that offer both above average wages and health care for employees:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fifth General Assembly, First Regular Session, hereby remonstrates against the misplaced use of essential tax incentives; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this remonstrance to the Governor; the Missouri Development Finance Board; the Director of the Department of Economic Development; the Director of the Department of Revenue; and the Commissioner of the Office of Administration.

**RESOLUTIONS**

Senator Dempsey offered Senate Resolution No. 7, regarding William Michael Boaz, St. Peters, which was adopted.

Senator Dempsey offered Senate Resolution No. 8, regarding the late Ronald H. Pflueger, D.D.S., St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 9, regarding Nathaniel D. Leezer, St. Charles, which was adopted.

On behalf of Senator Nodler, Senator Engler offered Senate Resolution No. 10, regarding Richard D. Barlet, D.D.S., which was adopted.

On behalf of Senator Nodler, Senator Engler offered Senate Resolution No. 11, regarding the late Kent and Mary Steadley, Carthage, which was adopted.

Senator Vogel offered Senate Resolution No. 12, regarding Kierstin Boze, Tuscumbia, which was adopted.

Senator Vogel offered Senate Resolution No. 13, regarding Matthew Callaway, Jefferson City, which was adopted.

Senator Engler offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 14

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated, up to three newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

Senator Clemens offered Senate Resolution No. 15, regarding Andrew McCalley, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Justus offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 3

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification."; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-Fifth General Assembly, First Regular Session, the House of Representatives concurring therein, that the Equal Rights Amendment to the United States Constitution is hereby ratified; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional Delegation with request that it be printed in the Congressional Record.

Read 1st time.

The Senate observed a moment of silence in memory of D. Kent King.

Senator Lager assumed the Chair.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:



**SB 163**–By Justus.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax deduction for qualified hybrid motor vehicle purchases.

**SB 164**–By Justus.

An Act to repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to a sales tax to fund public safety improvements.

**SB 165**–By Justus.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

**SB 166**–By Justus.

An Act to repeal section 456.5-505, RSMo, and to enact in lieu thereof two new sections relating to the Missouri uniform trust code.

**SB 167**–By Rupp.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for the diagnosis and treatment of autism spectrum disorders.

**SB 168**–By Shoemyer.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a property tax for cemetery maintenance.

**SB 169**–By Shoemyer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the regulation and licensing of Medicare Advantage insurance agents, with penalty provisions.

**SB 170**–By Shoemyer.

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

**SB 171**–By Griesheimer.

An Act to repeal section 311.360, RSMo, and to enact in lieu thereof two new sections relating to wine manufacturers, with penalty provisions.

**SB 172**–By Green.

An Act to amend chapter 204, RSMo, by adding thereto one new section relating to storm water management charges.

**SB 173**–By Green.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof two new sections relating to renewable energy generation grants.

On motion of Senator Engler, the Senate adjourned until 10:30 a.m., Monday, January 12, 2009.

SENATE CALENDAR

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THIRD DAY—MONDAY, JANUARY 12, 2009

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Scott	SB 35-Goodman and Champion
SB 2-Scott	SB 36-Goodman
SB 3-Scott	SB 37-Goodman
SB 4-Shields	SB 38-Rupp
SB 5-Griesheimer	SB 39-Rupp
SB 6-Griesheimer	SB 40-Rupp
SB 7-Griesheimer	SB 41-Cunningham
SB 8-Champion	SB 42-Cunningham and Smith
SB 9-Champion	SB 43-Pearce
SB 10-Champion	SB 44-Pearce
SB 11-Bartle, et al	SB 45-Pearce
SB 12-Bartle and Smith	SB 46-Schaefer
SB 13-Bartle	SB 47-Scott
SB 14-Nodler	SB 49-Scott
SB 15-Nodler	SB 50-Bray
SB 16-Nodler	SB 51-Bray
SB 17-Bray, et al	SB 52-Bray
SB 18-Bray, et al	SB 53-Days
SB 19-Bray, et al	SB 54-Days
SB 20-Days and Smith	SB 55-Days
SB 21-Days, et al	SB 56-Callahan
SB 22-Days and Bray	SB 57-Stouffer
SB 23-Callahan	SB 58-Stouffer
SB 24-Callahan	SB 59-Stouffer
SB 25-Callahan	SB 60-Wilson
SB 26-Ridgeway	SB 61-Wilson
SB 27-Ridgeway	SB 62-Wilson
SB 28-Ridgeway	SB 63-Rupp and Smith
SB 29-Stouffer	SB 64-Rupp
SB 30-Stouffer	SB 65-Rupp
SB 31-Stouffer	SB 66-Scott
SB 32-Wilson	SB 67-Scott
SB 33-Wilson	SB 68-Bray
SB 34-Wilson	SB 69-Bray

SB 70-Bray	SB 114-Crowell
SB 71-Stouffer	SB 115-Bray
SB 72-Stouffer	SB 116-Bray
SB 73-Stouffer	SB 117-Green
SB 74-Wilson	SB 118-Griesheimer
SB 75-Wilson	SB 119-Griesheimer
SB 76-Wilson	SB 120-Bray
SB 77-Stouffer	SB 121-Purgason
SB 78-Wilson	SB 122-Griesheimer
SB 79-Wilson	SB 123-Griesheimer
SB 80-Wilson	SB 124-Bray
SB 81-Wilson	SB 125-Bray
SB 82-Wilson	SB 126-Rupp
SB 83-Wilson	SB 127-Rupp
SB 84-Purgason	SB 128-Rupp
SB 85-Crowell	SB 129-McKenna, et al
SB 86-Crowell	SB 130-McKenna, et al
SB 87-Crowell	SB 131-Smith
SB 88-Stouffer	SB 132-Smith
SB 89-Stouffer	SB 133-Smith
SB 90-Stouffer	SB 134-Dempsey
SB 91-Green, et al	SB 135-Dempsey
SB 92-Green, et al	SB 136-Rupp and Smith
SB 93-Green	SB 137-Rupp
SB 94-Justus, et al	SB 138-Smith
SB 95-Justus	SB 139-Mayer
SB 96-Justus, et al	SB 140-Smith
SB 97-Smith	SB 141-Smith
SB 98-Smith	SB 142-Bartle
SB 99-Cunningham	SB 143-Mayer
SB 100-Schaefer	SB 144-Wright-Jones
SB 101-Green	SB 145-Wright-Jones
SB 102-Green	SB 146-Dempsey
SB 103-Green	SB 147-Dempsey
SB 104-Justus, et al	SB 148-Dempsey
SB 105-Justus, et al	SB 149-Dempsey
SB 106-Justus	SB 150-Griesheimer
SB 107-Green	SB 151-Clemens
SB 108-Justus	SB 152-Clemens
SB 109-Justus, et al	SB 153-Clemens
SB 110-Crowell	SB 154-Goodman
SB 111-Crowell	SB 155-Goodman
SB 112-Crowell	SB 156-Goodman
SB 113-Crowell	SB 157-Schmitt

SB 158-Clemens  
SB 159-Clemens  
SB 160-Crowell  
SB 161-Crowell  
SB 162-Crowell  
SB 163-Justus  
SB 164-Justus  
SB 165-Justus  
SB 166-Justus  
SB 167-Rupp  
SB 168-Shoemyer

SB 169-Shoemyer  
SB 170-Shoemyer  
SB 171-Griesheimer  
SB 172-Green  
SB 173-Green  
SJR 1-Bartle  
SJR 2-Bartle  
SJR 3-Crowell  
SJR 4-Cunningham  
SJR 5-Schmitt

#### INFORMAL CALENDAR

#### RESOLUTIONS

To be Referred

SCR 2-Crowell

SCR 3-Justus

#### MISCELLANEOUS

SRM 1-Green

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# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRD DAY—MONDAY, JANUARY 12, 2009**

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The Senate met pursuant to adjournment.

Senator Mayer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Surrender yourself to God. Wish for nothing but one thing: that his will be done, that his kingdom come, and that his nature be revealed. Then all will be well.” (Eberhard Arnold)

Heavenly Father, as we gather we are mindful that this is a special day, with special events and with a new Governor and leadership installed so we pray that we, with them, will always surrender our wills to Yours and that we will walk along Your right pathways. We know that Your kingdom will come with or without us but we pray that we do what is according to Your nature so that we may be part of bringing Your kingdom about. All this we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The Lieutenant Governor was present.

Senator Engler moved that the Senate recess until 1:15 p.m. and the Senators repair to the South steps of the Capitol where they will meet the House of Representatives in Joint Session to witness the Inauguration of the newly elected Governor, Jay Nixon, and receive his message, which motion prevailed.

### **JOINT SESSION**

The Senate and the House of Representatives met in Joint Assembly on the steps of the Capitol where President Pro Tem Shields called the Joint Assembly to order.

Governor-elect Jay Nixon and Governor Matt Blunt were conducted to their places on the Inaugural Platform by the Legislative Inaugural Committees of the 95th General Assembly.

Welcome was extended by the Honorable Charlie Shields, President Pro Tem of the Missouri Senate.

The Colors were presented by the Joint Service Color Guard.

Margaret L. Williams, 2008-2009 Missouri Teacher of the Year, University City High School, lead the audience in the Pledge of Allegiance to the Flag.

Carmen Breckenridge Bennett, Music Teacher, Lathrop School District, Plattsburg, sang the National Anthem.

The Invocation was offered by Dr. Ron Webb, Pastor, Mount Calvary Powerhouse, Poplar Bluff.

United States Senator Christopher S. Bond was introduced.

United States Senator Claire McCaskill was introduced.

Congressman Ike Skelton was introduced.

Congressman Lacy Clay was introduced.

Congressman Russ Carnahan was introduced.

Congressman Emanuel Cleaver II was introduced.

Outgoing Governor Matt Blunt was introduced.

Outgoing First Lady Melanie Blunt was introduced.

Chief Justice, Laura Denvir Stith; Judge Mary R. Russell; Judge Michael A. Wolff; Judge Patricia Breckenridge; Judge Richard B. Teitelman; and Judge Zel M. Fischer of the Missouri Supreme Court were introduced.

United States District Judge Stephen N. Limbaugh Jr., Eastern District was introduced.

Justice Joe Dandurand of the Missouri Court of Appeals, Western District was introduced.

State Auditor Susan Montee was introduced.

Former Governor Bob Holden and First Lady Lori Hauser-Holden were introduced.

Former Governor Roger Wilson and First Lady Pat Wilson were introduced.

Former United States Senator and First Lady Jean Carnahan was introduced.

Former Attorney General of the United States and former Governor of Missouri, John Ashcroft was introduced.

Former First Lady Betty Hearnese was introduced.

Judge Joe Dandurand, Justice of the Missouri Court of Appeals, Western District, administered the oath of office to Attorney General Christopher A. Koster.

Judge Laura Denvir Stith, Chief Justice of the Missouri Supreme Court, administered the oath of office to State Treasurer Clint Zweifel.

Judge Laura Denvir Stith, Chief Justice of the Missouri Supreme Court, administered the oath of office to Secretary of State Robin Carnahan.

Judge Stephen N. Limbaugh, Jr., United States District Judge, Eastern District, administered the oath of office to Lieutenant Governor Peter D. Kinder.

The American Flag was presented to outgoing Governor Matt Blunt by Governor-elect Jay Nixon.

The oath of office was administered to Governor Jeremiah “Jay” Nixon by Judge Laura Denvir Stith, Chief Justice of the Missouri Supreme Court. Immediately after administration of the oath, military honors were rendered to Governor Nixon with the firing of a nineteen gun salute by the 1st Battalion, 129th Field Artillery Regiment (Truman’s Own) Missouri Army National Guard, Independence.

Governor Nixon delivered his Inaugural Address:

“A New Day for Missouri”  
Inaugural Address of Jeremiah W. (Jay) Nixon  
55th Governor of Missouri  
January 12, 2009

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Thank you, Justice Stith, for being here today.

Thank you, President Pro-tem Shields and Speaker Richard, for joining us as well.

Governor and Mrs. Blunt, thank you both for being here and for your years of service to the State of Missouri.

I welcome Senators Bond and McCaskill, the other members of our Congressional delegation and the members of the Missouri General Assembly who have joined us today.

I’m joined today by Missouri’s new First Lady and the love of my life, Georganne Nixon. And we’re proud to be joined by our sons, Jeremiah and Will, and the rest of our family.

And I thank all of you for coming out today.

Well, here we are. Together, in the heart of winter. Here from different corners of the state. From different walks of life.

But today we stand united – as much as any time in history. United as Americans. And as Missourians.

United by the common uncertainty of our future. Not knowing what tomorrow will bring.

Worried that this uncertain economy will mean that our children may not have every opportunity that we’ve had.

The challenges we face are historic. But so are the opportunities.

Ladies and gentlemen: Today marks a new day for Missouri.

Today, we make a fresh start. It’s a day on which we separate the shortcomings of yesterday from the hope of tomorrow.

Today, we stop thinking about what should have been. And we start creating the future we all deserve.

Today, we turn the page.

Together, we mark a new day for Missouri.

Here in the Show-Me State, we have honorable and hardworking people. Skilled and talented workers and craftspeople.

But too many Missourians can't make ends meet in the job they're in, can't find the job they want, or fear they may lose the job they have. Too many Missourians are working harder and harder, but are not getting ahead.

The current economic downturn has certainly made these problems worse, and immediate action is needed. But in tackling the problems of today, we must not lose sight of the longer-term challenge: to boldly move Missouri's economy into the 21st Century.

The world around us is changing, and it's happening quickly. The new economy is upon us.

The people of this great state have never waited for the future; we've always sought it out. We are a state born from pioneers and innovators.

In the 19th Century, Daniel Boone and Lewis and Clark helped pave the way for a new state to take its place in a still-imperfect nation. Their Missouri stories are now legend.

And at the start of the 20th Century, George Washington Carver, a young man born into slavery, forever changed the agriculture industry for the entire world.

We have a history of overcoming adversity with innovation. And just as our forebears inspired a nation by settling a new land west of the Mississippi in the first days of the 19th Century, so today Missourians must lead our nation by seizing the new opportunities of the 21st Century.

Here in Missouri, we will not only compete. We will lead.

This new economy requires a new day for Missouri.

We'll invest in new technology. We'll inspire cutting-edge innovation. And we'll embrace science, not fear it.

And not only will we lead with our ideas, but we'll also lead with our greatest asset – our people. We must prepare our world-class workers with 21st-Century skills and connect them with the jobs of tomorrow that we will create.

The jobs that will lead our nation to energy independence.

The jobs that will build fuel-efficient automobiles and energy-efficient homes.

The jobs that will develop the lifesaving cures of tomorrow.

The jobs that will change the way we do business, change the way we travel and change the way we channel information.

All right here in Missouri.

We'll turn this economy around by making Missouri a magnet for next-generation jobs.

To bring about a new day in Missouri, we'll need to implement new policies. And this new day will not be possible unless there is a new tone in Jefferson City.

Because for too many years, politics and partisanship have stood in the way of progress. And the people of Missouri are tired of it.

The family in Hannibal that's struggling to pay for health care has no appetite for partisan bickering in Jefferson City.

The new father in Rolla who had his job outsourced doesn't care if an economic stimulus plan was written by a Democrat or a Republican. He just wants to make ends meet for his young family.

And the small businesswoman struggling to keep the doors open on Main Street doesn't have a lobbyist walking the halls of the Capitol for her.

The only way we'll meet the needs of Missouri families is by working together. In a bipartisan way, across the aisle. Putting our shared principles ahead of our political differences.

Now, new leadership in Jefferson City and in Washington isn't enough. The answers to our problems won't all come from government.

We need new leaders to step up in communities across our state – and I'm not just talking about elected officials.

Tough times call for a renewed sense of purpose. A new day for public service and volunteerism.

We need all Missourians to step up and do more to make our communities stronger.

We need more parents to get active in our local schools.



We need more role models to mentor our children and coach our youth sports teams.

We must get involved in our places of worship. Get involved in our local civic groups. Volunteer our time at senior citizen homes.

Community service is not a chore or a burden. It's a responsibility, and an honor.

We will only turn our state around if we all do our part.

I grew up in De Soto, Mo. – a small town in Jefferson County. I go back frequently and visit with old friends. When I do, I'm reminded why our state is so strong.

It's because here in Missouri, we go to work early and stay late.

We love our families and our faith. We have a strong tradition of neighbor-helping-neighbor. And when times are tough, we meet the challenges, and we always come back stronger.

And I know a lot of folks around this state could use a fresh start. A new beginning. A reason to believe that the best days for their families are still to come.

The next generation will be able to seize opportunities that we cannot even imagine today. We can protect our special way of life here in Missouri, while at the same time moving boldly to embrace the future.

Together, we can see that future. Today is a new day for Missouri.

It's a new day for every child in our state with big dreams.

It's a new day for the small-business owner who knows that with a little help, her hard work will pay off, and brighter days are ahead.

It's a new day for the family that recently sat around the kitchen table to decide if they should take out a second mortgage so that they can send their second child to college.

And it's a new day for the men and women who work day-in and day-out to build the best products in America. The autoworker, the construction worker, the lab technician and the engineer.

As your Governor, I will work every day to help make this brighter future a reality for all Missouri families.

I am honored and humbled by the opportunity to lead our state during this critical time.

As our family moves into the Governor's Mansion, we do so knowing that it's your house – not ours. And we hope you'll visit us often.

And together, we will make a new day for Missouri.

Thank you, and God bless.

The 135th Army Band, Missouri Army National Guard, Springfield, performed "America the Beautiful".

The Benediction was pronounced by Rabbi Susan Talve, Central Reform Congregation, Saint Louis.

The Colors were retired by the Joint Service Color Guard.

The audience remained standing and Governor Nixon and Mrs. Nixon were escorted from the platform by the Legislative Inaugural Committees.

The Joint Session of the 95th General Assembly was adjourned by President Pro Tem Shields. The Senators returned to the Chamber, where they were called to order by President Kinder.

A quorum was established by the following vote:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Cunningham	Days	Dempsey
Engler	Goodman	Green	Justus	Lager	Lembke	Mayer	McKenna

Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson—27					

Absent—Senators

Crowell	Griesheimer	Nodler	Purgason	Smith	Wright-Jones—6
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Absent with leave—Senator Clemens—1

Vacancies—None

The Journal for Thursday, January 8, 2009 was read and approved.

Senator Engler announced that photographers from the Daily Journal were given permission to take pictures in the Senate Chamber today.

### **RESOLUTIONS**

Senator Lembke offered Senate Resolution No. 16, regarding Kevin Joseph Abernathy, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 17, regarding the Seventy-fifth Birthday of Harvina Jean Taft Thomas, Falls City, Nebraska, which was adopted.

Senator Justus offered Senate Resolution No. 18, regarding Jack Fiorella, Kansas City, which was adopted.

Senator Griesheimer offered Senate Resolution No. 19, regarding Sandra Dailey, Eureka, which was adopted.

Senator Engler offered Senate Resolution No. 20, regarding the Ninetieth Anniversary of American Legion Buchholtz-Kiefer Post 150, Sainte Genevieve, which was adopted.

Senator Stouffer offered Senate Resolution No. 21, regarding the 2008-2009 Class I State Champion Orrick High School football program, which was adopted.

Senator Rupp offered Senate Resolution No. 22, regarding CenturyTel, which was adopted.

Senator Rupp offered Senate Resolution No. 23, regarding I-70 Auto Body, which was adopted.

Senator Rupp offered Senate Resolution No. 24, regarding Carol Quinn, which was adopted.

Senator Rupp offered Senate Resolution No. 25, regarding Paul W. Kruse, which was adopted.

Senator Pearce offered Senate Resolution No. 26, regarding the Find Kara Committee, Belton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 27, regarding the death of Marjorie Ellen Bosley, Saint Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 28, regarding the Grand River Medical Clinic, Brunswick, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 29, regarding the death of Herman Earnest Morgan,

which was adopted.

Senator Barnitz offered Senate Resolution No. 30, regarding the Thirty-fifth Wedding Anniversary of Mr. and Mrs. Andy Bobbitt, Waynesville, which was adopted.

Senator Barnitz offered Senate Resolution No. 31, regarding Shirley Reed, Steelville, which was adopted.

Senator Barnitz offered Senate Resolution No. 32, regarding Lori Amato, Cuba, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Wright-Jones offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 4**

WHEREAS, over one-half of all IV-D caseloads in Missouri are low-income families who rely on child support for up to one-quarter of their total income. Unfortunately, the noncustodial parent responsible for providing these payments are often too poor to support themselves much less fulfill a child support order; and

WHEREAS, low-income noncustodial fathers are a particularly disadvantaged group. In addition to being low-skilled and low-educated, they often have criminal records and suffer from many poverty-related problems such as poor health. All of these characteristics are barriers to finding high-paying jobs; and

WHEREAS, federal, state, and local child support agencies have attempted to increase compliance among these fathers in two ways: lowering child support orders to better meet ability to pay and addressing the underlying reasons for nonpayment by connecting low-income parents to employment services; and

WHEREAS, lowering child support orders is successful in increasing compliance, it results in significantly lower payments to poor families; and

WHEREAS, one way to assure that low-income noncustodial parents receive the attention they need is to establish separate child support dockets known as "Fathering Courts"; and

WHEREAS, Fathering Courts are an innovative alternative to prosecution and incarceration for men with significant child support arrearages. The program increases the number of fathers that contribute financially and emotionally to their children and helps men successfully overcome the challenges that have led to their nonpayment of child support; and

WHEREAS, the longest-running Fathering Court is in Jackson County, Missouri, and since its creation in 1998 has increased child support collections by more than \$2 million. The Jackson County Fathering Court has become a model for others across the country; and

WHEREAS, the Jackson County Fathering Court is designed to give noncustodial parents the tools to become financially and emotionally responsible for their children. Parents are educated, counseled, and encouraged to place the needs of their children first; and

WHEREAS, by emphasizing the needs of the children, the Fathering Court seeks to promote the well-being of potentially thousands of children who are involved in the state's child support enforcement system; and

WHEREAS, the Fathering Court addresses alcohol, drug, employment, and mental health issues that affect some fathers who face child support charges; and

WHEREAS, the success of Fathering Courts depends heavily upon judicial support and initiative. After a father is arrested for failure to pay child support, he is screened to ensure that he does not have any other serious felonies and then the Fathering Court process begins. Fathers stay in the program until they have worked through their issues and resumed paying child support; and

WHEREAS, more than 429 men have participated in the Fathering Court since 1998. To date, Fathering Court graduates have contributed more than \$2.7 million in child support payments. In addition, pre- and post-evaluations indicate that men who graduated from Fathering Court have significantly more contact with their children, increased interaction with their child's mother about their child's development, and pay their child support:

NOW THEREFORE BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, that in order to ensure thoughtful and necessary changes are made to the state's child support enforcement system in order to increase the number of noncustodial parents participating in the financial and emotional needs of their children, the General Assembly must comprehensively study and reform the system; and

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate and the Speaker of the House of Representatives appoint a Joint Interim Committee on Child Support Enforcement Reform that is authorized to function during the legislative interim between the First Regular Session of the Ninety-fifth General Assembly and the Second Regular Session of the Ninety-fifth General Assembly to study and make recommendations regarding a reform of the state's child support enforcement system, including a study of the Fathering Court in Jackson County as a model for the entire state; and

BE IT FURTHER RESOLVED that the Joint Interim Committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the General Assembly prior to commencement of the Second Regular Session of the Ninety-fifth General Assembly; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including but not limited to soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, child advocates, the courts, and the general public; and

BE IT FURTHER RESOLVED that the staffs of Senate Research, the Joint Committee on Legislative Research, and House Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

**Senator Stouffer offered the following concurrent resolution:**

**SENATE CONCURRENT RESOLUTION NO. 5**

WHEREAS, the State of Missouri contains 553 miles of the Missouri River, which borders 23 Missouri counties and over 50 Missouri communities, making it one of the State's greatest natural resources; and

WHEREAS, the Missouri General Assembly supports this natural resource as a vital link in the State of Missouri's total transportation system and wishes to maximize this valuable asset in order to move freight and to support our state's economy; and

WHEREAS, barge transport allows for significant economic benefits and cost savings, since one barge can transport the same amount of freight as 15 railcars or 60 trucks; and

WHEREAS, river transportation is the most environmentally friendly form of transporting goods and commodities, creating almost no noise pollution and emitting 35 to 60 percent fewer pollutants than either trucks or trains; and

WHEREAS, barges are also the most fuel efficient method of freight transport, barges can move one ton of cargo 576 miles per gallon of fuel, compared to 413 miles per gallon of fuel for railcars and only 155 miles per gallon of fuel for trucks; and

WHEREAS, the Missouri General Assembly recognizes that the State of Missouri is investing more of its resources to develop and improve public ports in the state, including those on the Missouri River; and

WHEREAS, the Flood Control Act of 1944, as amended, expresses the United States Congress' intent to support inland waterway navigation and to provide flood control on our nation's rivers; and

WHEREAS, the June 4, 2003, August 16, 2005, and February 8, 2008, decisions of the United States Court of Appeals of the Eighth Circuit held that navigation was a dominant function of the Flood Control Act of 1944; and

WHEREAS, navigation on the Missouri River is operated in accordance with the updated Master Manual, which contains the management plan for the River and was adopted by the United States Army Corps of Engineers in 2004; and

WHEREAS, the Missouri General Assembly recognizes that the United States Army Corps of Engineers utilized extensive public processes to complete the 2004 Master Manual and worked to balance the needs and desires of many competing stakeholder groups in establishing the Manual's navigation guidelines; and

WHEREAS, the 2004 Master Manual was finalized after 15 years of debate and litigation and after the expenditure of over \$35 million in federal funds; and

WHEREAS, the 2004 Missouri River Master Water Control Manual reduced the length of the navigation season, shifting a large amount of water away from navigation and other downstream uses of the Missouri River to benefit upstream uses, such as reservoir recreation; and

WHEREAS, the upstream states have requested that the United States Army Corps of Engineers conduct a study to reexamine the authorized purposes of the Missouri River reservoir system as outlined in the 1994 Flood Control Act; and

WHEREAS, the study requested by the upstream states would be the first of its kind, because it would scrutinize the authorized purposes

of the Missouri River reservoir system rather than studying the current Missouri River Master Water Control Manual, thereby undermining the Manual's management plan for the Missouri River; and

WHEREAS, in requesting this study, the upstream states are seeking an additional shift in water to upstream states, despite Congress' authorization of downstream uses of Missouri River water, including navigation; and

WHEREAS, increasing Missouri River water in upstream states will have a significant, negative impact upon Missouri and other downstream states by impacting navigation, power generation, flood control, and drinking water availability; and

WHEREAS, eighteen power plants, which have the capacity to generate over 11,000 megawatts of electricity, draw cooling water from the lower Missouri River basin, and the viability of those power plants would be jeopardized if the authorized purposes of the Missouri River reservoir system were changed; and

WHEREAS, the State of Missouri has constructed infrastructure to support water supply and power generation in the lower Missouri River basin with the understanding that reliable navigation flows would be maintained in the future, and this study could threaten the reliability of those navigation flows; and

WHEREAS, the Missouri General Assembly believes that all of the congressionally authorized uses of the Missouri River should be promoted, not just those uses benefitting the upstream states:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to deny any request that would authorize a study of the Missouri River's congressionally authorized purposes; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge Missouri's Congressional delegation to actively oppose the authorization and funding of the Missouri River study proposed by the upstream states; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the United States Army Corps of Engineers and to each member of Missouri's Congressional delegation.

Senator Lager assumed the Chair.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 174**—By Griesheimer.

An Act to repeal sections 52.240, 53.175, 67.110, 137.073, 137.106, 137.385, 137.425, 137.720, 138.140, and 139.031, RSMo, and to enact in lieu thereof ten new sections relating to property taxes, with an emergency clause.

**SB 175**—By Schmitt.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the parents' bill of rights.

**SB 176**—By Stouffer.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Alzheimer's state plan task force, with an expiration date.

**SB 177**—By Stouffer.

An Act to repeal section 301.218, RSMo, and to enact in lieu thereof one new section relating to salvage vehicles.

**SB 178**—By Stouffer.

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state

highways and transportation commission design-build highway project contracts, with an emergency clause.

**SB 179**—By Wright-Jones.

An Act to authorize the conveyance of property owned by the state in the city of St. Louis to the state highways and transportation commission.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

#### **OFFICE OF THE GOVERNOR**

State of Missouri

Jefferson City

65101

January 8, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James B. Anderson, Democrat, 1489 South Ginger Blue Avenue, Springfield, Greene County, Missouri 65809, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, S. Lee Kling, deceased.

Respectfully submitted,

**MATT BLUNT**

Also,

#### **GOVERNOR OF MISSOURI**

Jefferson City

65102

January 12, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made by Governor Matt Blunt and submitted to you on January 7, 2009, for your advice and consent:

Laura Fitzmaurice Amick, 4301 SW Hickory Lane, Blue Spring, Jackson County, Missouri 64015, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

James S. Anderson, 215 Spruce, Lee's Summit, Jackson County, Missouri 64064, as Chairman of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Sarah K. Anderson, 3004 Joshua Tree Court, Columbia, Boone County, Missouri 65202, as a member of the Children's Trust Fund Board, for a term ending September 15, 2009, and until her successor is duly appointed and qualified; vice, Terry Bloomberg, term expired.

Roberta Lynne Angle, 3618 West Gordon Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2010, and until her successor is duly appointed and qualified; vice, Sarah Schuette, term expired.

John Fox Arnold, 7399 Pershing, Unit A, Saint Louis, Saint Louis County, Missouri 63130, as Chairman and member of the Saint Louis County Board of Election Commissioners, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, John Diehl, resigned.

Jack D. Atterberry, 1632 Paddlewheel Court, Jefferson City, Cole County, Missouri 65109, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Paula F. Baker, 502 Morgan Court, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Commission on

Autism Spectrum Disorders, for a term ending September 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Conrad S. Balcer, 5413 Buffalo Road, Jefferson City, Cole County, Missouri 65101, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Jack C. Ball, 5660 South Farm Road 247, Rogersville, Greene County, Missouri 65742, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2011, and until his successor is duly appointed and qualified; vice, Charles Hill, Jr., term expired.

Christopher L. Beck, 431 South Cully, Republic, Greene County, Missouri 65738, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2011, and until his successor is duly appointed and qualified; vice, Joyce Mitchell, resigned.

Randall M. Berger, 14181 Woods Mill Cove Drive, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Drug Utilization Review Board, for a term ending October 15, 2010, and until his successor is duly appointed and qualified; vice, Karla Dwyer, term expired.

David E. Bertrand, Democrat, 1847 Lawanda Street, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Board of Probation and Parole, for a term ending August 28, 2014, and until his successor is duly appointed and qualified; vice, Wayne Crump, term expired.

C. Bob Bess, 7300 Whitehaven Drive, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Missouri Small Business Regulatory Fairness Board, for a term ending April 30, 2011, and until his successor is duly appointed and qualified; vice, John George, term expired.

Beth C. Biggs, 5932 North Mattox Road, Kansas City, Platte County, Missouri 64151, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2011, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Linda Bohrer, 423 Van Horn Road, Holts Summit, Callaway County, Missouri 65043, as Acting Director of the Department of Insurance, Financial Institutions and Professional Registration, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Doug Ommen, resigned.

Timothy W. Bonno, 202 Hollytree Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Seismic Safety Commission, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, Timothy Bonno, withdrawn.

Timothy W. Bonno, 202 Hollytree Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Seismic Safety Commission, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Rodney J. Boyd, Democrat, 4053 Flora Place, Saint Louis, Saint Louis City, Missouri 63110, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2014, and until his successor is duly appointed and qualified; vice, Harriet Woods, deceased.

William B. Bradley, 1407 Bloomfield Road, Cape Girardeau, Cape Girardeau County, Missouri 63703, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Gregory H. Branham, 1625 Forest Aire, Frontenac, Saint Louis County, Missouri 63131, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Penelope C. Braun, Democrat, 1608 Kenilworth Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, Marion Spence Pierson, term expired.

Paul S. Buckley, 310 Crest Avenue, Holts Summit, Callaway County, Missouri 65043, as a member of the Personnel Advisory Board, for a term ending July 31, 2014, and until his successor is duly appointed and qualified; vice, Doug Ommen, resigned.

Mariann Burnetti-Atwell, 1006 El Dorado Drive, Jefferson City, Cole County, Missouri 65101, as a member of the State Committee of Psychologists, for a term ending August 28, 2011, and until her successor is duly appointed and qualified; vice, Laurel Kramer, term expired.

Mary M. Burns, Democrat, 8609 North Chalmers Avenue, Kansas City, Platte County, Missouri 64153, as a member of the Platte County Election Board, for a term ending January 11, 2009, and until her successor is duly appointed and qualified; vice, Debra Uhrig, resigned.

Michael A. Cabello, 22 Delegate Circle, O'Fallon, Saint Charles County, Missouri 63368, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 329.015.

Kevin N. Callaway, 22890 South Westbrook, Hartsburg, Boone County, Missouri 65039, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2010, and until his successor is duly appointed and qualified; vice, RSMo. 701.302.

Kathleen E. Carpenter, Democrat, 10639 Highway YY, Sumner, Chariton County, Missouri 64681, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Theodore E. "Tec" Chapman, 3708 Watts Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, Richard Strecker, term expired.

John "Jack" Chapman, 1256 South Rock Hill Road, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Joanne M. Collins, Republican, 128 West 13<sup>th</sup> Street, Apartment #921, Kansas City, Jackson County, Missouri 64105, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2014, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Martha L. Cortez, Democrat, 1211 Wood Station Place, Manchester, Saint Louis County, Missouri 63021, as a member of the State Lottery Commission, for a term ending September 7, 2009, and until her successor is duly appointed and qualified; vice, Sherri Robins, term expired.

David P. Crowe, 1420 Sylvan Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 633.200.

Victoria A. Damba, 16 Mahogany Run, Farmington, Saint Francois County, Missouri 63640, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Tiffany L. Daniels, 1110 Care Avenue, Nixa, Christian County, Missouri 65714, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Douglas D. Davis, Democrat, 709 Poplar Street, Lamar, Barton County, Missouri 64759, as a member of the Missouri Southern State University Board of Governors, for a term ending August 30, 2014, and until his successor is duly appointed and qualified; vice, Jane Wyman, term expired.

Randall J. Davis, 9764 Lee Drive, Hillsboro, Jefferson County, Missouri 63050, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Cheryl K. Dillard, Democrat, 1246 West 67<sup>th</sup> Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2010, and until her successor is duly appointed and qualified; vice, Catherine Davis, term expired.

Patrick C. Dillon, Republican, 2731 Frederick Avenue, Saint Joseph, Buchanan County, Missouri 64506, as a member of the State Lottery Commission, for a term ending September 7, 2011, and until his successor is duly appointed and qualified; vice, Dale Finke, resigned.

James A. DiRenna, Democrat, 1 The Woodlands, Gladstone, Clay County, Missouri 64119, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, Carl Myers, term expired.



Ronnie D. Dittmore, 11201 SW Lower Dekalb Road, Saint Joseph, Buchanan County, Missouri 64504, as a member of the Mental Health Commission, for a term ending June 28, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

John E. Driskill, 102 Sylvia Drive, Mehlville, Saint Louis County, Missouri 63125, as a member of the Board of Certification of Interpreters, for a term ending June 27, 2009, and until his successor is duly appointed and qualified; vice, Judith Barker, term expired.

Jacquelyn C. Eaton, 904 East Wall Street, Kirksville, Adair County, Missouri 63501, as a member of the Well Installation Board, for a term ending February 24, 2010, and until her successor is duly appointed and qualified; vice, Patricia Nichols, term expired.

Susan K. Eckles, 8650 Delmar Boulevard, Apartment 1E, University City, Saint Louis County, Missouri 63124, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2009, and until her successor is duly appointed and qualified; vice, Linda Allen, resigned.

Gerald F. Engemann, Republican, 30078 State Highway 94, Hermann, Warren County, Missouri 65041, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Diza A. Eskridge, Democrat, 712 Spring Street, Weston, Platte County, Missouri 64098, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2014, and until her successor is duly appointed and qualified; vice, Janet Leachman, term expired.

Janet E. Farmer, 4323 Raven's Ridge Drive, Columbia, Boone County, Missouri 65202, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Sarah A. Feldmiller, 6831 Rockhill Road, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

William Dale Finke, Republican, 12 Harbor View Drive, Lake Saint Louis, Saint Charles County, Missouri 63367, as a member of the Saint Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2012, and until his successor is duly appointed and qualified; vice, Mary West, term expired.

J. Howard Fisk, 1535 East Meadowmere Place, Springfield, Greene County, Missouri 65804, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Charles "Denny" Fitterling, 1110 SE Scenic Drive, Blue Springs, Jackson County, Missouri 64014, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

David A. Fleming, 9500 West Terrapin Ridge Road, Columbia, Boone County, Missouri 65203, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Mark A. Fohey, Democrat, 8760 County Road 422, Hannibal, Marion County, Missouri 63401, as a member of the Air Conservation Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Ronnie D. Fox, Republican, 1136 Carissa Court, Bonne Terre, Saint Francois County, Missouri 63628, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Tim W. Francka, 1553 Highway KK, Bolivar, Polk County, Missouri 65613, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

John M. Freeze, 2906 Bernice Street, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Dental Board, for a term ending October 16, 2013, and until his successor is duly appointed and qualified; vice, H. Fred Christman, term expired.

Richard H. Frueh, Republican, 10 Beacon Hill Lane, Creve Coeur, Saint Louis County, Missouri 63141, as a member of

the Dam and Reservoir Safety Council, for a term ending April 3, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Christine M. Gardner, 1205 Bald Hill Road, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2011, and until her successor is duly appointed and qualified; vice, Letitia Thomas term expired.

Keith A. Gary, 17619 South Merriott, Pleasant Hill, Cass County, Missouri 64080, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Robert R. Gattermeir, Republican, 252 Shaw Road, Olean, Miller County, Missouri 65064, as a member of the State Lottery Commission, for a term ending September 7, 2010, and until his successor is duly appointed and qualified; vice, Barbara Tiedt, resigned.

Lenora N Gaydusek, 27812 South Buford Road, Harrisonville, Cass County, Missouri 64701, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Peggy Gettemeier, 1072 Chatelet Drive, Ferguson, Saint Louis County, Missouri 63135, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Richard T. Griffey, 122 Lake Forest Drive, Richmond Heights, Saint Louis County, Missouri 63117, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Hanford Gross, Independent, 8029 Venetian, Clayton, Saint Louis County, Missouri 63105, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2011, and until his successor is duly appointed and qualified; vice, Norella Huggins, deceased.

Elizabeth K. Grove, 36970 Monroe Road 370, Monroe City, Monroe County, Missouri 63456, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Nelson C. Grumney, Jr., Republican, 2 Saint Andrews Drive, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

John G. Harper, 2813 Burrwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, John Harper, withdrawn.

Boyd L. Harris, Independent, 19510 North Drew Road, Centralia, Boone County, Missouri 65240, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2011, and until his successor is duly appointed and qualified; vice, Rick Muenks, resigned.

Richard W. Hashagen, 19324 County Road 1250, Saint James, Phelps County, Missouri 65559, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2010, and until his successor is duly appointed and qualified; vice, Sheldon Lineback, withdrawn.

Mark S. Hasheider, 1712 Fremont, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Seismic Safety Commission, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Connie L. Hebert, 1553 Trenton Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Cynthia E. Heischmidt, 2317 Brookwood Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2012, and until her successor is duly appointed and qualified; vice, Deborah Gereke, term expired.

Richard A. Heithaus, 188 Portmarnock Lane, Saint Charles, Saint Charles County, Missouri 63304, as a member of the

Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Jacqueline M. Hempen, Republican, 1872 Morgan Road, Barnhart, Jefferson County, Missouri 63012, as a member of the Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2011, and until her successor is duly appointed and qualified; vice, Jerome Govero, term expired.

Martha E. Hildebrandt, 7112 Boucher Circle, Liberty, Clay County, Missouri 64068, as a member of the Well Installation Board, for a term ending February 24, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Kristina R. Hill, 13 Burgher Drive, Rolla, Phelps County, Missouri 65401, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2010, and until her successor is duly appointed and qualified; vice, Richard Edging, resigned.

Eugene J. Hites, Democrat, 15 Hawn Court, Leadington, Saint Francois County, Missouri 63601, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Michelle L. Hoffmeister, 3071 Countryside Drive, Farmington, Saint Francois County, Missouri 63640, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Gary Stevens, term expired.

Debra A. Hollingsworth, Independent, 674 Carman Meadows, Manchester, Missouri 63021, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2014, and until her successor is duly appointed and qualified; vice, Cynthia Brinkley, resigned.

Stephen B. Hoven, Republican, 645 Huntley Heights Drive, Saint Louis, Saint Louis County, Missouri 63021, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2013, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Jean H. Howard, Democrat, 1954 Shady Creek, Auxvasse, Callaway County, Missouri 65231, as a member of the State Committee of Dietitians, for a term ending June 11, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Margaret J. "Mitzi" Huffman, 15 Dalton Circle, Branson, Stone County, Missouri 65616, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2009, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Naomi R. Hunter, 2402 Montana Place, Joplin, Jasper County, Missouri 64804, as a member of the State Committee for Professional Counselors, for a term ending August 28, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Terry M. Jarrett, 2708 Kenwood Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2010, and until his successor is duly appointed and qualified; vice, Linward Appling, term expired.

Leonard C. Johnson, III, 4119 Magnolia Avenue, Apartment 11, Saint Louis City, Missouri 63110, as a student representative of the Harris-Stowe State University Board of Regents, for a term ending December 31, 2009, and until his successor is duly appointed and qualified; vice, Jason Ware, term expired.

Eddy A. Justice, 319 Remington Place, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri State Employees Voluntary Life Insurance Commission, for a term ending October 7, 2008, and until his successor is duly appointed and qualified; vice, Dale Reesman, term expired.

Eddy A. Justice, 319 Remington Place, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri State Employees Voluntary Life Insurance Commission, for a term ending October 7, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Julie R. Keathley, 1011 Ridgetop Drive, Dexter, Stoddard County, Missouri 63841, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Sharon L. Keating, 3805 Sherwood Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Ronald N. Kemp, 3875 South 143<sup>rd</sup> Road, Bolivar, Polk County, Missouri 65613, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2010, and until his successor is duly appointed and qualified; vice, Dorothy Becvar, term expired.

Michele G. Kilo, 3413 NW 62<sup>nd</sup> Terrace, Kansas City, Platte County, Missouri 64151, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Orvin T. Kimbrough, Independent, 5119 Raymond Avenue, Saint Louis City, Missouri 63113, as a member of the Missouri State University Board of Governors, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, James Buford, resigned.

D. Kent King, 602 La Chateau Place, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Community Service Commission, for a term ending December 12, 2009, and until his successor is duly appointed and qualified; vice, Jay Acock, resigned.

Thelma J. Kinion, 202 Niagra Drive, Wentzville, Saint Charles County, Missouri 63385, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Lowell C. Kruse, Democrat, 7300 SE 75<sup>th</sup> Road, Saint Joseph, Buchanan County, Missouri 64507, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2014, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Dena S. Ladd, 6 Rio Vista, Saint Louis, Saint Louis County, Missouri 63134, as a member of the Children's Trust Fund Board, for a term ending September 15, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Stephen H. Lawler, 3156 Crystal Lake Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2010, and until his successor is duly appointed and qualified; vice, Florine Penrod, resigned.

Mary A. Long, Democrat, 6500 East 108<sup>th</sup> Street, Kansas City, Jackson County, Missouri 64134, as a member of the University of Central Missouri Board of Governors, for a term ending January 1, 2011, and until her successor is duly appointed and qualified; vice, Michelle Wimes, resigned.

Ivy Love, 207 Garrett, Greenfield, Dade County, Missouri 65661, as student representative of the Missouri Southern State University Board of Governors, for a term ending December 31, 2009, and until her successor is duly appointed and qualified; vice, Eric Norris, term expired.

Jennifer A. Lowry, 16715 Trent Court, Platte City, Platte County, Missouri 64079, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2010, and until her successor is duly appointed and qualified; vice, Diliane Charles Pelikan, term expired.

Mark A. Manley, 5205 West 32, Sedalia, Pettis County, Missouri 65301, as a member of the Entrepreneurial Development Council, for a term ending September 24, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.050.

Bruce E. Manning, 12466 Roth Hill Drive, Maryland Heights, Saint Louis County, Missouri 63043, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2010, and until his successor is duly appointed and qualified; vice, Lanny Meng, term expired.

Richard L. Mansfield, Republican, 1803 South Cottage Grove Place, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Community Service Commission, for a term ending December 15, 2008, and until his successor is duly appointed and qualified; vice, Vicki Rhew, resigned.

Richard L. Mansfield, Republican, 1803 South Cottage Grove Place, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

John F. Mantovani, 8038 Watkins Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 633.200.

Russell K. Mason, 98 North Hillview Drive, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2010, and until his successor is duly appointed and qualified; vice, Sherman George, term expired.

Mark E. Mattingly, 538 Green Meadows Lane, Perryville, Perry County, Missouri 63775, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2010, and until his successor is duly appointed and qualified; vice, Gwenna Peters.

Vicki L. McCarrell, 6879 Highway 135, Pilot Grove, Cooper County, Missouri 65276, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Donald J. McCary, 10 Hollow Tree Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 633.200.

Phillip W. McClendon, 6445 Park Circle, Joplin, Jasper County, Missouri 64801, as a member of the Mental Health Commission, for a term ending June 28, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Teresa K. McElyea, 2453 County Road 5800, Willow Springs, Howell County, Missouri 65793, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2012, and until her successor is duly appointed and qualified; vice, Clarissa McCamy, resigned.

Timothy P. McGrail, 1621 Wilmor Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2011, and until his successor is duly appointed and qualified; vice, RSMo 210.153.

James J. "Jay" McMillen, 4004 Miller Road, Saint Joseph, Buchanan County, Missouri 64505, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2009, and until his successor is duly appointed and qualified; vice, Shawn P. Griffin, resigned.

Anne E. McRoberts, Republican, Rural Route 1 Box 71, Malta Bend, Saline County, Missouri 65339, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2009, and until her successor is duly appointed and qualified; vice, Anne E. McRoberts, withdrawn.

Kenneth E. Meyer, 3639 East Kensington, Springfield, Greene County, Missouri 65802, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2012, and until his successor is duly appointed and qualified; vice, Elaine Hoffmeister-Mooney, term expired.

Regina M. Meyer, 205 Millpond Lane, Jefferson City, Cole County, Missouri 65101, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2011, and until her successor is duly appointed and qualified; vice, Michael Conner, resigned.

Steven D. Millikan, 7701 South Chimney Ridge Road, Columbia, Boone County, Missouri 65203, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Kyra K. Mills, 513 Park East Drive, Rock Port, Atchison County, Missouri 64482, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2012, and until her successor is duly appointed and qualified; vice, Susan Hazelwood, term expired.

Timothy G. Mitchell, 15334 Heron Drive, Neosho, Newton County, Missouri 64850, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Randall L. Moore, 719 Club Lane, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Patrice O. Mugg, 626 North Geyer Road, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Children's Trust Fund Board, for a term ending September 15, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Brenda L. Niemeyer, Route 1, Box 174, Edina, Knox County, Missouri 63537, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Kim Riley, withdrawn.

Christopher A. Norton, 1702 Osage Hickory Street, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 633.200.

Sharon D. Oetting, Independent, 30462 Emma Road, Concordia, Lafayette County, Missouri 64020, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2012, and until her successor is duly appointed and qualified; vice, Susan Williamson, term expired.

Mark E. Ohrenberg, 5119 Clark Lane, Apartment 102, Columbia, Boone County, Missouri 65202, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2011, and until his successor is duly appointed and qualified; vice, Sharon Smith, withdrawn.

Elmo "Skip" O'Neal, Democrat, 1951 Hepperman Road, Wentzville, Saint Charles County, Missouri 63385, as a member of the Missouri Community Service Commission, for a term ending December 15, 2010, and until his successor is duly appointed and qualified; vice, Hal Roper, resigned.

Joseph R. Ortwerth, Republican, 1018 Treeshade Drive, Saint Peters, Saint Charles County, Missouri 63376, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, Mark Tucker, term expired.

Harry J. Otto, 713 Hobbs Road, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Private Investigator Examiners, for a term ending March 3, 2009, and until his successor is duly appointed and qualified; vice, RSMo 324.1102.

Joseph A. Paulsmeyer, Democrat, 425 Paulsmeyer Road, Silex, Lincoln County, Missouri 63377, as a member of the Missouri Alternative Fuels Commission, for a term ending March 25, 2012, and until his successor is duly appointed and qualified; vice, RSMo 414.420.

John S. Pearson, 1414 Avion Ridge, Apartment 111, Arnold, Jefferson County, Missouri 63010, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2010, and until his successor is duly appointed and qualified; vice, Debra McCaul, term expired.

Paul G. Perniciano, 2209 Sycamore Drive, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Jeanette E. Prenger, 5633 Cedar Court, Parkville, Platte County, Missouri 64152, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Philip E. Prewitt, 1403 Englewood, Macon, Macon County, Missouri 63552, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2009, and until his successor is duly appointed and qualified; vice, S. Lee Kling, resigned.

C. Larry Ray, Democrat, 722 South Highway J, Hayti, Pemiscot County, Missouri 63851, as a member of the State Lottery Commission, for a term ending September 7, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Michael A. Reilly, 45 Lake Forrest Lane, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Seismic Safety Commission, for a term ending July 1, 2010, and until his successor is duly appointed and qualified; vice, Melvin DeClue, resigned.

Edward "Sandy" Renshaw, III, 918 Huntington Chase, Fenton, Jefferson County, Missouri 63026, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2010, and until his successor is duly appointed and qualified; vice, Daniel Abbott, term expired.

John Riffle, 22010 Riffle Road, Pleasant Hill, Cass County, Missouri 64080, as a member of the Land Reclamation Commission, for a term ending September 28, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Sharlene A. Rimiller, 312 Troy Street, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Dental Board, for a term ending October 16, 2012, and until her successor is duly appointed and qualified; vice, Maxine Thompson, term expired.

Steven C. Roberts, Democrat, #1 Westmoreland Place, Saint Louis, Saint Louis City, Missouri 63108, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2014, and until his successor is duly appointed and qualified; vice, Queen Fowler, term expired.

Richard H. Rocha, Republican, 405 West 68<sup>th</sup> Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Air Conservation Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Thomas H. Rockers, 153 Gay Avenue, Saint Louis, Saint Louis County, Missouri 63105, as a member of the Missouri Health Insurance Pool, for a term ending December 31, 2009, and until his successor is duly appointed and qualified; vice, RSMo 376.961.

Lyle S. Rosburg, 3749 Schott Road, Jefferson City, Cole County, Missouri 65101, as a member of the State Committee of Psychologists, for a term ending August 28, 2011, and until his successor is duly appointed and qualified; vice, Willa McCullough, term expired.

Steven S. Rothert, 500 Peckew Trail, Jackson, Cape Girardeau County, Missouri 63755, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Benard Orman, term expired.

Anne M. Roux, 808 Kentridge Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Joseph A. Salomone, 16314 Pinecrest Drive, Kearney, Clay County, Missouri 64060, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2009, and until his successor is duly appointed and qualified; vice, RSMo 190.101.

Helen J. Sandkuhl, 4943 Shaw Avenue, Saint Louis, Saint Louis City, Missouri 63110, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2012, and until her successor is duly appointed and qualified; vice, Judith Landvatter, term expired.

Raynel G. Schallert, Republican, 4497 Farm Road 1090, Monett, Barry County, Missouri 65708, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Stanley Schmidt, 740 Belle Air Place, Carthage, Jasper County, Missouri 64836, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2013, and until his successor is duly appointed and qualified; vice, Paul Thomas Mechsner, term expired.

Duane E. Schreimann, Democrat, 603 Turnberry Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2014, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Jay L. Schultehenrich, 2734 Willowford Lane, Saint Clair, Franklin County, Missouri 63077, as a member of the State Board of Mediation, for a term ending April 1, 2010, and until his successor is duly appointed and qualified; vice RSMo 295.030.

Kelly J. Scott, 101 Lexibelle Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2012, and until her successor is duly appointed and qualified; vice, Amanda Skaggs, term expired.

Claudette M. Scott-Rogers, Democrat, 7327 Harrison Street, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

L. Carol Scott, 462 Whittier Street, Apartment 203, Saint Louis City, Missouri 63108, as member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, RSMo 210.102.

Thomas J. Selva, 4706 Heatherstone Court, Columbia, Boone County, Missouri 65203, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Gregory F. Sharpe, 22364 State Highway 156, Ewing, Lewis County, Missouri 63440, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Margaret D. Shea, 628 North Geyer Road, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2010, and until her successor is duly appointed and qualified; vice, Linda Connor, term expired.

Travis R. Shearer, HC 73, Box 209, Drury, Douglas County, Missouri 65638, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2010, and until his successor is duly appointed and qualified; vice, W. Dennis Thousand, term expired.

Allen R. Shirley, Republican, 3520 South Alabama, Joplin, Newton County, Missouri 64804, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, Robert Fulp, term expired.

Robert S. Shotts, 14390 Skyline Drive, Lebanon, Laclede County, Missouri 65536, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2010, and until his successor is duly appointed and qualified; vice, Patti Banks, term expired.

Sharon R. Laningham Silver, 414 NE 54 Terrace, Kansas City, Clay County, Missouri 64118, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, Gilbert Alderson, resigned.

David J. Siscel, 240 East Badley Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2011, and until his successor is duly appointed and qualified; vice, A. Stephen Coburn, resigned.

Mark E. Skrade, 4672 South Farm Road 193, Rogersville, Greene County, Missouri 65807, as a member of the State Committee of Psychologists, for a term ending August 28, 2012, and until his successor is duly appointed and qualified; vice, Daniel Orme, resigned.

Francis G. Slack, 1 Manderleigh Estates Court, Frontenac, Saint Louis County, Missouri 63131, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2011, and until his successor is duly appointed and qualified; vice, Francis Slack, withdrawn.

Toni R. Smith, 2301 South First Street, Kirksville, Adair County, Missouri 63501, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Toni R. Smith, Republican, 2301 South First Street, Kirksville, Adair County, Missouri 63501, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Nancy A. Spears, 712 Swifts Highway, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2009, and until her successor is duly appointed and qualified; vice, Carol Shelley, resigned.

Kit O. Stahlberg, 416 North Chamber, Apartment B3, Fredericktown, Madison County, Missouri 63645, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Dawn M. Standley, 5776 Bluebird Circle, Osage Beach, Camden County, Missouri 65065, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2008, and until her successor is duly appointed and qualified; vice, Melinda Christianson, term expired.



Dawn M. Standley, 5776 Bluebird Circle, Osage Beach, Camden County, Missouri 65065, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Donald H. Steen, 343 Cat Rock Road, Eldon, Miller County, Missouri 65026, as the Director of the Department of Agriculture, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Katie Smith, resigned.

Francis J. Stokes, 320 Union boulevard, Saint Louis City, Missouri 63108, as a member of the Missouri Technology Corporation, for a term ending October 1, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

John R. Sullivan, 1183 CR 2790, Mountain View, Howell County, Missouri 65548, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2010, and until his successor is duly appointed and qualified; vice, Charli Jo Ledgerwood, term expired.

Suzanne E. Taggart, 24010 Highway D, California, Moniteau County, Missouri 65018, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2009, and until her successor is duly appointed and qualified; vice, Dawn Fuller, term expired.

Garry Taylor, 979 Diamond Ridge, Jefferson City, Cole County, Missouri 65109, as the Director of the Department of Economic Development, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Greg A. Steinhoff.

Marsha A. Taylor, 5144 Chelsea, Springfield, Greene County, Missouri 65804, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Robert W. Taylor, 32810 Sleepy Hollow Lane, Sedalia, Pettis County, Missouri 65301, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2012, and until his successor is duly appointed and qualified; vice, Stanley Bevelle, term expired.

Shirley S. Taylor, 18802 Evergreen Terrace, Saint Joseph, Andrew County, Missouri 64505, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2011, and until her successor is duly appointed and qualified; vice, Donna Bushur, withdrawn.

Gregory L. Temple, 8986 County Road 9190, West Plains, Howell County, Missouri 65775, as a member of the Missouri Dental Board, for a term ending October 16, 2012, and until his successor is duly appointed and qualified; vice, John L. Sheets, term expired.

Tamara L. Thielemier, 221 Little Creek Court, Jefferson City, Cole County, Missouri 65109, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2010, and until her successor is duly appointed and qualified; vice, Sharon Robinson, term expired.

Sandra L. Thomas, 5920 North West 96<sup>th</sup> Terrace, Kansas City, Platte County, Missouri 64154, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2013, and until her successor is duly appointed and qualified; vice, Kenneth Clark, term expired.

Joshua T. Travis, Democrat, 207 Hudson - 1202 Rollins Street, Columbia, Boone County, Missouri 65201, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Robin E. Threlkeld, 3505 NW 86<sup>th</sup> Street, Kansas City, Platte County, Missouri 64154, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2011, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

James M. Upchurch, 1 Janney Circle, Canton, Lewis County, Missouri 63435, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2009, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Theresa A. Valdes, 825 Cari Ann Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Glenda Kremer, resigned.

Janet L. Vanderpool, 508 South Coleman Street, Princeton, Mercer County, Missouri 64673, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2012, and until her successor is duly appointed and qualified; vice, Hillard Kay Thurston, term expired.

Beth L. Viviano, 358 Summer Top Lane, Fenton, Saint Louis County, Missouri 63026, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Renée A. Walker, 2741 Briaroaks Lane, Joplin, Newton County, Missouri 64804, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2010, and until her successor is duly appointed and qualified; vice, Frederick DeFeo, term expired.

Thomas N. Wapelhorst, Republican, 3605 Collingwood, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Saint Charles Convention and Sports Facilities Authority, for a term ending April 27, 2013, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Christina R. Warren, 1654 Donna Lynn Drive, Jackson, Cape Girardeau County, Missouri 63755, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Susan M. Wendleton, Republican, 9054 Ginger Lane, Carthage, Jasper County, Missouri 64836, as a member of the Missouri Public Entity Risk Management Fund, for a term ending July 15, 2011, and until her successor is duly appointed and qualified; vice, Tina Odo, resigned.

Lisa S. Wilburn, 23097 Gurney Road, Brookfield, Linn County, Missouri 64628, as a member of the Professional Services Payment Committee, for a term ending at the pleasure of the Governor; vice, RSMo 208.197.

Diana L. Willard, 4010 Belle Locke, Joplin, Jasper County, Missouri 64804, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2011, and until her successor is duly appointed and qualified; vice, Owen Lunn, term expired.

Sharon M. Williams, 5537 NE Northgate Crossing, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2009, and until her successor is duly appointed and qualified; vice, Pamela Schneeflock, term expired.

Richard J. Wilson, Republican, 811 Harvest Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Kurt D. Witzel, 3116 Southridge Park Lane, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Celeste T. Witzel, Republican, 3116 Southridge Park Lane, Saint Louis, Saint Louis County, Missouri 63129, as a member of the State Lottery Commission, for a term ending September 7, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Barbara L. Wolken, Democrat, 2611 Jennifer Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Terri L. Woodward, 35411 Highway 63 North, Vienna, Maries County, Missouri 65582, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2009, and until her successor is duly appointed and qualified; vice, Wendy D. Dillender, resigned.

Gerald J. Zafft, 10498 Frontenac Woods Lane, Saint Louis, Saint Louis County, Missouri 63131, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 1**.

Also, I am instructed by the House of Representatives to inform the Senate that the following Representatives have been appointed to act with a like committee from the Senate pursuant to **SCR 1**. Representatives Richard, Pratt, Tilley, Parson, Franz, Nieves, Ruestman, Allen, Zerr, Denison, Nance, LeVota, Kuessner, Roorda, Swinger, Curls, Lampe and Bringer.

### **COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following committee to act with a like committee from the House pursuant to **SCR 1**: Senators Barnitz, Bray, Callahan, Champion, Days, Dempsey, Engler, Goodman, Green, Griesheimer, Justus, McKenna, Scott, Shields, Shoemyer, Stouffer, Vogel and Wright-Jones.

### **INTRODUCTIONS OF GUESTS**

Senator Engler introduced to the Senate, the former Attorney General of the United States and former Governor of Missouri, John Ashcroft.

Senator Engler introduced to the Senate, Brett Dunsford, Vincent Rupini, Melissa Ray and members of De Soto High School Marching Band.

Senator Engler introduced to the Senate, Marilyn and Don Pinson.

Senator Engler introduced to the Senate, Betty and Warren Lodewegen.

Senator Wilson introduced to the Senate, Reverend John Modest Miles, Bishop Mark Tolbert, Reverend Kenneth Ray, Reverend and Mrs. Harold Todd, Alvin Brooks, Councilman Terry Riley and Reverend Daniel Childs, Kansas City.

Senator Green introduced to the Senate, Bob Howell and his son, Bobbie Howell, Larry Beck and Maureen Lawler; and Bobbie and Larry were made honorary pages.

On behalf of Senator Nodler, Senator Scott introduced to the Senate, former State Representative and Mrs. Roy Cagle, Joplin; and their granddaughter, Sidnee Ryan, Pineville.

Senator Rupp introduced to the Senate, John Allen Hill, Boston, Massachusetts.

Senator Dempsey introduced to the Senate, Robert DuBois and Rachel Hanne, St. Peters.

Senator Lembke introduced to the Senate, his mother, Marilyn, Villages, Florida; his wife, Donna, St. Louis; and Peg Gugliano, Iowa.

Senator Schaefer introduced to the Senate, Patty and Campbell Ridley, Columbia, Tennessee; and Cathy Flynn, Catherine Schaefer, and Mary Ann Druhe, St. Louis.

Senator Schmitt introduced to the Senate, his parents, Steve and Kathy Schmitt, and his wife, Jaime and their children, Stephen and Sophia; Stephanie Schmitt, Patrick Jacobsmeyer, Bill and Linda Schmitt, Denise, Lisa and Aaron Schmitt; and Mr. and Mrs. Alan Gerson.

Senator Wright-Jones introduced to the Senate, her mother, Jean O. Wright, St. Louis City and Bob,

Vivian, Tim, Nickole and Duane Wallace, St. Louis County.

Senator Griesheimer introduced to the Senate, his wife, Rita; Michelle, Aaron, Amanda and Dayton Griesheimer; Danney and Sharon Bolte; and Dennis and Marilyne Wynne, Washington; and Robert and Roberta Maune, Union.

Senator Shoemyer introduced to the Senate, Tammy and Richard Rattliff.

Senator Mayer introduced to the Senate, John and Barbara McDougal, St. Charles; and C.R. and Sheila Woolard, Poplar Bluff.

The President introduced to the Senate, James and Rosie Kinder, Cairo, Illinois; Frank and Lori Ann Kinder, Mark and Barbara Kinder and Molly, Hunter, Will, Paige, and Emilia Kinder, Cape Girardeau; B.I. Howard, Cape Girardeau; and Louisa and Nick Kinder, and Malinda Choffat, Cairo, Illinois.

Senator Days introduced to the Senate, Karen Pierre, Michael and Melanie Cannon and Evelyn Days.

Senator Cunningham introduced to the Senate, Veronica O'Brien, St. Louis.

Senator Engler introduced to the Senate, former Governor Roger Wilson.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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FOURTH DAY—TUESDAY, JANUARY 13, 2009

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1-Scott	SB 14-Nodler
SB 2-Scott	SB 15-Nodler
SB 3-Scott	SB 16-Nodler
SB 4-Shields	SB 17-Bray, et al
SB 5-Griesheimer	SB 18-Bray, et al
SB 6-Griesheimer	SB 19-Bray, et al
SB 7-Griesheimer	SB 20-Days and Smith
SB 8-Champion	SB 21-Days, et al
SB 9-Champion	SB 22-Days and Bray
SB 10-Champion	SB 23-Callahan
SB 11-Bartle, et al	SB 24-Callahan
SB 12-Bartle and Smith	SB 25-Callahan
SB 13-Bartle	SB 26-Ridgeway

SB 27-Ridgeway	SB 68-Bray
SB 28-Ridgeway	SB 69-Bray
SB 29-Stouffer	SB 70-Bray
SB 30-Stouffer	SB 71-Stouffer
SB 31-Stouffer	SB 72-Stouffer
SB 32-Wilson	SB 73-Stouffer
SB 33-Wilson	SB 74-Wilson
SB 34-Wilson	SB 75-Wilson
SB 35-Goodman and Champion	SB 76-Wilson
SB 36-Goodman	SB 77-Stouffer
SB 37-Goodman	SB 78-Wilson
SB 38-Rupp	SB 79-Wilson
SB 39-Rupp	SB 80-Wilson
SB 40-Rupp	SB 81-Wilson
SB 41-Cunningham	SB 82-Wilson
SB 42-Cunningham and Smith	SB 83-Wilson
SB 43-Pearce	SB 84-Purgason
SB 44-Pearce	SB 85-Crowell
SB 45-Pearce	SB 86-Crowell
SB 46-Schaefer	SB 87-Crowell
SB 47-Scott	SB 88-Stouffer
SB 49-Scott	SB 89-Stouffer
SB 50-Bray	SB 90-Stouffer
SB 51-Bray	SB 91-Green, et al
SB 52-Bray	SB 92-Green, et al
SB 53-Days	SB 93-Green
SB 54-Days	SB 94-Justus, et al
SB 55-Days	SB 95-Justus
SB 56-Callahan	SB 96-Justus, et al
SB 57-Stouffer	SB 97-Smith
SB 58-Stouffer	SB 98-Smith
SB 59-Stouffer	SB 99-Cunningham
SB 60-Wilson	SB 100-Schaefer
SB 61-Wilson	SB 101-Green
SB 62-Wilson	SB 102-Green
SB 63-Rupp and Smith	SB 103-Green
SB 64-Rupp	SB 104-Justus, et al
SB 65-Rupp	SB 105-Justus, et al
SB 66-Scott	SB 106-Justus
SB 67-Scott	SB 107-Green

SB 108-Justus	SB 147-Dempsey
SB 109-Justus, et al	SB 148-Dempsey
SB 110-Crowell	SB 149-Dempsey
SB 111-Crowell	SB 150-Griesheimer
SB 112-Crowell	SB 151-Clemens
SB 113-Crowell	SB 152-Clemens
SB 114-Crowell	SB 153-Clemens
SB 115-Bray	SB 154-Goodman
SB 116-Bray	SB 155-Goodman
SB 117-Green	SB 156-Goodman
SB 118-Griesheimer	SB 157-Schmitt
SB 119-Griesheimer	SB 158-Clemens
SB 120-Bray	SB 159-Clemens
SB 121-Purgason	SB 160-Crowell
SB 122-Griesheimer	SB 161-Crowell
SB 123-Griesheimer	SB 162-Crowell
SB 124-Bray	SB 163-Justus
SB 125-Bray	SB 164-Justus
SB 126-Rupp	SB 165-Justus
SB 127-Rupp	SB 166-Justus
SB 128-Rupp	SB 167-Rupp
SB 129-McKenna, et al	SB 168-Shoemyer
SB 130-McKenna, et al	SB 169-Shoemyer
SB 131-Smith	SB 170-Shoemyer
SB 132-Smith	SB 171-Griesheimer
SB 133-Smith	SB 172-Green
SB 134-Dempsey	SB 173-Green
SB 135-Dempsey	SB 174-Griesheimer
SB 136-Rupp and Smith	SB 175-Schmitt
SB 137-Rupp	SB 176-Stouffer
SB 138-Smith	SB 177-Stouffer
SB 139-Mayer	SB 178-Stouffer
SB 140-Smith	SB 179-Wright-Jones
SB 141-Smith	SJR 1-Bartle
SB 142-Bartle	SJR 2-Bartle
SB 143-Mayer	SJR 3-Crowell
SB 144-Wright-Jones	SJR 4-Cunningham
SB 145-Wright-Jones	SJR 5-Schmitt
SB 146-Dempsey	

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 2-Crowell

SCR 3-Justus

SCR 4-Wright-Jones

SCR 5-Stouffer

MISCELLANEOUS

SRM 1-Green

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# Journal of the Senate

FIRST REGULAR SESSION

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**FOURTH DAY—TUESDAY, JANUARY 13, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Trust the past to God’s mercy, the present to God’s love, and the future to God’s providence.” (St. Augustine of Hippo)

Gracious God, we come to this new day ever mindful that what we need is to trust Your mercy and love and do what You will for us. That as these days unfold You will be our guide and what we do is fitting with Your future for us. Be with us through this day and fill us with Your wisdom and directing spirit so we may accomplish all You have for us to complete. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Goodman offered Senate Resolution No. 33, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Shoun, Jefferson City, which was adopted.

Senator Goodman offered Senate Resolution No. 34, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Virgil Davis, Monett, which was adopted.

Senator Crowell offered Senate Resolution No. 35, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Woods, Jackson, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Lager offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 6**

Relating to the recommendations of the Citizen's Commission on Compensation for Elected Officials.

WHEREAS, the voters of Missouri approved a constitutional amendment in 1994 that created a commission charged with setting the amount of compensation paid to statewide elected officials, legislators and judges; and

WHEREAS, prior to the approval of this amendment, the General Assembly had the duty and responsibility of setting salaries; and

WHEREAS, the Missouri Citizen's Commission on Compensation for Elected Officials has recommended that judges, statewide elected officials, and legislators receive the same increase in salary as the average state worker for the fiscal years beginning in July 2009 and July 2010, provided that legislators shall not receive such increases until January 1, 2011; and

WHEREAS, the Commission has also recommended an additional leadership differential of \$2,500 annually for the representative serving as Speaker of the House of Representatives and the senator serving as the President Pro Tempore of the Senate, as well as an additional leadership differential of \$1,500 annually for the representative serving as Speaker Pro Tempore of the House of Representatives and to each senator or representative serving as the Majority or Minority Floor Leader of the Senate or the House of Representatives; and

WHEREAS, the Commission has also recommended that each Associate Circuit Judge's salary be increased by \$1,500 each year prior to calculating any salary increase based on the increase in the average state worker's salary. Further, a leadership differential of \$2,500 annually shall be paid to the judge serving as Chief Justice. Finally, the Commission recommended that judges be provided expense reimbursement at the same rate as members of the General Assembly for up to three days attendance at the Judicial Conference of Missouri; and

WHEREAS, the state has many other priorities for appropriating money in the budget that are far more important than the salary increases recommended by the Commission; and

WHEREAS, the changes recommended by the Missouri Citizen's Commission on Compensation for Elected Officials will take effect on July 1, 2009, unless disapproved by the General Assembly; and

WHEREAS, the General Assembly may disapprove of the recommendation by a concurrent resolution approved by both the Senate and the House before February 1, 2009:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, disapprove the recommendations of the Missouri Citizen's Commission on the Compensation for Elected Officials contained in its report dated November 26, 2008; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Jay Nixon.

Read 1st time.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 180**—By Bartle.

An Act to repeal sections 195.214, 195.217, 195.218, 566.147, and 566.149, RSMo, and to enact in lieu thereof five new sections relating to criminal mens rea, with penalty provisions.

**SB 181**—By Bartle.

An Act to repeal section 566.226, RSMo, and to enact in lieu thereof one new section relating to protection of crime victim information.

**SB 182**—By Bartle.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to false or misleading diplomas, with penalty provisions.

**SB 183**—By Bartle.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

**SB 184**—By Bartle.

An Act to amend chapter 273, RSMo, by adding thereto four new sections relating to dangerous dogs, with penalty provisions.

**SB 185**—By Bray.

An Act to repeal section 386.266, RSMo, and to enact in lieu thereof one new section relating to alternate rate schedules.

**SB 186**—By Bray.

An Act to amend chapter 273, RSMo, by adding thereto twelve new sections relating to the healthy pet act.

**SB 187**—By Vogel.

An Act to repeal section 67.1000, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes.

**SB 188**—By Dempsey, Griesheimer and Rupp.

An Act to repeal sections 311.332, 311.333, 311.334, 311.335, 311.336, 311.338, and 311.490, RSMo, and to enact in lieu thereof five new sections relating to liquor control, with penalty provisions.

**SJR 6**—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to compensation of public officials.

**MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor:

## GOVERNOR OF MISSOURI

Jefferson City

65102

January 13, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office made by Governor Matt Blunt and submitted to you on January 8, 2009, for your advice and consent:

James B. Anderson, Democrat, 1489 South Ginger Blue Avenue, Springfield, Greene County, Missouri 65809, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, S. Lee Kling, deceased.

Respectfully submitted,

JEREMIAH W. (JAY) NIXON

Senator Shields moved that the appointment of James B. Anderson, along with the appointments appearing on pages 93 through 105 of the Senate Journal for Monday, January 12, 2009, be returned to the Governor per his request, which motion prevailed.

**INTRODUCTIONS OF GUESTS**

Senators Bray and Days introduced to the Senate, the Physician of the Day, Dr. Ed Weisbart, M.D., CPE, FAAFP, St. Louis.

Senator Nodler introduced to the Senate, his wife, Joncee, Joplin; and their granddaughter, Rachel Nodler and Nicole Anderson, Webb City; and Rachel was made an honorary page.

Senator Mayer introduced to the Senate, Jackson and Alan M. Queen, Bloomfield; and Jackson was made an honorary page.

On motion of Senator Engler, the Senate adjourned under the rules.

**SENATE CALENDAR**


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FIFTH DAY—WEDNESDAY, JANUARY 14, 2009

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**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 1-Scott

SB 2-Scott

SB 3-Scott

SB 4-Shields

SB 5-Griesheimer

SB 6-Griesheimer

SB 7-Griesheimer

SB 8-Champion

SB 9-Champion

SB 10-Champion

SB 11-Bartle, et al

SB 12-Bartle and Smith

SB 13-Bartle

SB 14-Nodler

SB 15-Nodler	SB 60-Wilson
SB 16-Nodler	SB 61-Wilson
SB 17-Bray, et al	SB 62-Wilson
SB 18-Bray, et al	SB 63-Rupp and Smith
SB 19-Bray, et al	SB 64-Rupp
SB 20-Days and Smith	SB 65-Rupp
SB 21-Days, et al	SB 66-Scott
SB 22-Days and Bray	SB 67-Scott
SB 23-Callahan	SB 68-Bray
SB 24-Callahan	SB 69-Bray
SB 25-Callahan	SB 70-Bray
SB 26-Ridgeway	SB 71-Stouffer
SB 27-Ridgeway	SB 72-Stouffer
SB 28-Ridgeway	SB 73-Stouffer
SB 29-Stouffer	SB 74-Wilson
SB 30-Stouffer	SB 75-Wilson
SB 31-Stouffer	SB 76-Wilson
SB 32-Wilson	SB 77-Stouffer
SB 33-Wilson	SB 78-Wilson
SB 34-Wilson	SB 79-Wilson
SB 35-Goodman and Champion	SB 80-Wilson
SB 36-Goodman	SB 81-Wilson
SB 37-Goodman	SB 82-Wilson
SB 38-Rupp	SB 83-Wilson
SB 39-Rupp	SB 84-Purgason
SB 40-Rupp	SB 85-Crowell
SB 41-Cunningham	SB 86-Crowell
SB 42-Cunningham and Smith	SB 87-Crowell
SB 43-Pearce	SB 88-Stouffer
SB 44-Pearce	SB 89-Stouffer
SB 45-Pearce	SB 90-Stouffer
SB 46-Schaefer	SB 91-Green, et al
SB 47-Scott	SB 92-Green, et al
SB 49-Scott	SB 93-Green
SB 50-Bray	SB 94-Justus, et al
SB 51-Bray	SB 95-Justus
SB 52-Bray	SB 96-Justus, et al
SB 53-Days	SB 97-Smith
SB 54-Days	SB 98-Smith
SB 55-Days	SB 99-Cunningham
SB 56-Callahan	SB 100-Schaefer
SB 57-Stouffer	SB 101-Green
SB 58-Stouffer	SB 102-Green
SB 59-Stouffer	SB 103-Green

SB 104-Justus, et al	SB 148-Dempsey
SB 105-Justus, et al	SB 149-Dempsey
SB 106-Justus	SB 150-Griesheimer
SB 107-Green	SB 151-Clemens
SB 108-Justus	SB 152-Clemens
SB 109-Justus, et al	SB 153-Clemens
SB 110-Crowell	SB 154-Goodman
SB 111-Crowell	SB 155-Goodman
SB 112-Crowell	SB 156-Goodman
SB 113-Crowell	SB 157-Schmitt
SB 114-Crowell	SB 158-Clemens
SB 115-Bray	SB 159-Clemens
SB 116-Bray	SB 160-Crowell
SB 117-Green	SB 161-Crowell
SB 118-Griesheimer	SB 162-Crowell
SB 119-Griesheimer	SB 163-Justus
SB 120-Bray	SB 164-Justus
SB 121-Purgason	SB 165-Justus
SB 122-Griesheimer	SB 166-Justus
SB 123-Griesheimer	SB 167-Rupp
SB 124-Bray	SB 168-Shoemyer
SB 125-Bray	SB 169-Shoemyer
SB 126-Rupp	SB 170-Shoemyer
SB 127-Rupp	SB 171-Griesheimer
SB 128-Rupp	SB 172-Green
SB 129-McKenna, et al	SB 173-Green
SB 130-McKenna, et al	SB 174-Griesheimer
SB 131-Smith	SB 175-Schmitt
SB 132-Smith	SB 176-Stouffer
SB 133-Smith	SB 177-Stouffer
SB 134-Dempsey	SB 178-Stouffer
SB 135-Dempsey	SB 179-Wright-Jones
SB 136-Rupp and Smith	SB 180-Bartle
SB 137-Rupp	SB 181-Bartle
SB 138-Smith	SB 182-Bartle
SB 139-Mayer	SB 183-Bartle
SB 140-Smith	SB 184-Bartle
SB 141-Smith	SB 185-Bray
SB 142-Bartle	SB 186-Bray
SB 143-Mayer	SB 187-Vogel
SB 144-Wright-Jones	SB 188-Dempsey, et al
SB 145-Wright-Jones	SJR 1-Bartle
SB 146-Dempsey	SJR 2-Bartle
SB 147-Dempsey	SJR 3-Crowell

SJR 4-Cunningham  
SJR 5-Schmitt

SJR 6-Lager

## INFORMAL CALENDAR

### RESOLUTIONS

To be Referred

SCR 2-Crowell  
SCR 3-Justus  
SCR 4-Wright-Jones

SCR 5-Stouffer  
SCR 6-Lager

## MISCELLANEOUS

SRM 1-Green

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# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTH DAY—WEDNESDAY, JANUARY 14, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Spend your money on good books, and you'll find its equivalent in gold of intelligence.” (Immanuel, “The Mahberot”)

Heavenly Father, we are thankful that each new generation does not have to rediscover all things for themselves but that the legacy of the wisdom You have revealed to others has been written down so that we may build on what others have learned. Help us make time to read good books along with Your Word so we may increase our storehouse of knowledge and make contributions of our own guided by Your Holy Spirit. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from the Senate were given permission to use flash in the Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Pro Tem Shields assumed the Chair.

Senator Nodler assumed the Chair.

## **RESOLUTIONS**

Senator Goodman offered Senate Resolution No. 36, regarding Michael A. Albright, Ash Grove, which was adopted.

Senator Shields offered Senate Resolution No. 37, regarding Amy Johnson, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 38, regarding the One Hundredth Anniversary of the Missouri Society of Certified Public Accountants, which was adopted.

Senator McKenna offered Senate Resolution No. 39, in memory of Sergeant Brandon L. Wallace, Festus, which was adopted.

Senator Shields offered Senate Resolution No. 40, regarding Judith Trout, Saint Joseph, which was adopted.

Senator Mayer offered Senate Resolution No. 41, regarding the Missouri State Board of Accountancy, which was adopted.

Senator Crowell offered Senate Resolution No. 42, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Miller, Perryville, which was adopted.

## **CONCURRENT RESOLUTIONS**

Senator Pearce offered the following concurrent resolution:

### **SENATE CONCURRENT RESOLUTION NO. 7**

WHEREAS, only about forty-two percent of the petroleum that our country consumes originates from domestically-produced sources; and

WHEREAS, the United States relies upon foreign suppliers for a majority of our nation's petroleum needs; and

WHEREAS, this dependence on foreign suppliers of petroleum makes our nation more vulnerable to supply shifts and price fluctuations; and

WHEREAS, this vulnerability gives foreign powers more influence and control over our domestic activities; and

WHEREAS, our nation has potentially vast untapped natural resources within our own territory in the form of oil and natural gas reserves beneath our coastal waters; and

WHEREAS, our nation has the technological capability to explore and utilize these resources in a manner that is safe and that minimizes potential impacts to our coastal environments:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge Congress to secure greater energy independence for the United States by allowing



new off-shore drilling activities in areas where the likelihood of resource recovery is high; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Missouri Congressional delegation.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 189**—By Shields.

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof one new section relating to prohibited activities by Kansas City police officers, with penalty provisions.

**SB 190**—By Shoemyer.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to accessibility of offices in the state capitol.

**SB 191**—By Shoemyer.

An Act to repeal section 100.286, RSMo, and to enact in lieu thereof one new section relating to the issuance of Missouri development finance board development fund contribution tax credits.

**SB 192**—By Shoemyer.

An Act to repeal section 577.023, RSMo, and to enact in lieu thereof one new section relating to intoxication-related traffic offenses, with penalty provisions.

**SB 193**—By Shoemyer.

An Act to amend chapter 348, RSMo, by adding thereto two new sections relating to a tax credit for equity investments in qualified Missouri businesses.

**SB 194**—By Shoemyer.

An Act to amend chapter 266, RSMo, by adding thereto five new sections relating to private investigations for farm commodities.

**SB 195**—By Shoemyer.

An Act to amend chapter 266, RSMo, by adding thereto one new section relating to the seed availability and competition act, with penalty provisions.

**SB 196**—By Shoemyer.

An Act to repeal section 247.031, RSMo, and to enact in lieu thereof one new section relating to detachment from public water supply districts.

**SB 197**—By Goodman.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology services.

**SB 198**—By McKenna.

An Act to repeal sections 169.070 and 169.670, RSMo, and to enact in lieu thereof two new sections relating to teacher and school employee retirement systems.

**SB 199**—By McKenna.

An Act to repeal sections 347.187, 355.020, 355.171, 355.631, 355.791, and 359.121, RSMo, and to enact in lieu thereof six new sections relating to Missouri small business organizations.

**SB 200**—By Cunningham.

An Act to repeal section 570.040, RSMo, and to enact in lieu thereof one new section relating to stealing, with penalty provisions.

**SB 201**—By Cunningham.

An Act to repeal section 578.030, RSMo, and to enact in lieu thereof two new sections relating to dog fighting.

**SB 202**—By Schaefer.

An Act to amend chapters 379 and 537, RSMo, by adding thereto two new sections relating to the assignment of comparative fault for operating a motorcycle.

**SJR 7**—By Rupp.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, relating to the Missouri revenue retention fund.

## COMMUNICATIONS

President Pro Tem Shields submitted the following:

January 14, 2009

Ms. Terry Spieler  
Secretary of the Senate  
State Capitol, Office 325  
Jefferson City, MO 65109

Dear Ms. Spieler:

Please appoint the following Senators to the committees on  
Rules, Joint Rules, Resolutions and Ethics:

Engler, Chairman  
Nodler, Vice-Chairman  
Champion  
Shields  
Bray  
Green

Gubernatorial Appointments:

Shields, Chairman

Engler, Vice-Chairman

Champion

Clemens

Crowell

Schmitt

Callahan

McKenna

Wright-Jones

Sincerely,

/s/ Charlie Shields

Charlie Shields

### **INTRODUCTIONS OF GUEST**

Senator Mayer introduced to the Senate, Dr. Douglas Fitzwater, Caruthersville.

Senator Barnitz introduced to the Senate, Lori Amato and her husband, Tony, Cuba; Marsha Middleton, Lee's Summit; Jerry and Jill Rose, Salem; and Don Martin, Cuba.

Senator Scott introduced to the Senate, Jackie Shelledy and Lisa, Austin, Alyssa, Jake, Priscilla, Justin and Janet Shelledy, Sedalia; Jack R. and Nancy Shelledy and Lori Allee, Kansas City; and Jancey Shelledy, Jefferson City; and Alyssa and Justin were made honorary pages.

Senator McKenna introduced to the Senate, Mike and Brenda Habsieger, Festus.

Senator Griesheimer introduced to the Senate, Joseph Gray and his wife, Kathy, and their son, Dustin, Washington; his father-in-law, Kenneth Oetterer and Donna Null, Pacific.

Senator Barnitz introduced to the Senate, Shirley and Floyd Reed, Steelville.

Senator Goodman introduced to the Senate, Michael Albright and his wife, Amy, and his brother, William Albright, Halltown; and his mother Elaine Albright-Hodge, Springfield.

Senator Shoemyer introduced to the Senate, Josh Houchins and his parents, Jeana and Richard Houchins and his sister, Ashlie; and Jan and Buster Geisendorfer and Nicole Goodwin, Ewing.

Senator Griesheimer introduced to the Senate, Sandra Dailey, Eureka; her parents, Ray and Kathryn Symons, Dallas, Texas; her son, Eric Dailey, St. Louis; her sister, Sharon Aubuchon, Kansas City; Deana Matlock, Branson; and Summer, Taylor, Christina and Stephanie Matlock, and Steve and Alicia Bunn, Chris Adams and Jeff Campbell, St. Charles; and Summer and Christina were made honorary pages.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Steve Smith, St. Louis.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

SIXTH DAY—THURSDAY, JANUARY 15, 2009

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 1-Scott	SB 35-Goodman and Champion
SB 2-Scott	SB 36-Goodman
SB 3-Scott	SB 37-Goodman
SB 4-Shields	SB 38-Rupp
SB 5-Griesheimer	SB 39-Rupp
SB 6-Griesheimer	SB 40-Rupp
SB 7-Griesheimer	SB 41-Cunningham
SB 8-Champion	SB 42-Cunningham and Smith
SB 9-Champion	SB 43-Pearce
SB 10-Champion	SB 44-Pearce
SB 11-Bartle, et al	SB 45-Pearce
SB 12-Bartle and Smith	SB 46-Schaefer
SB 13-Bartle	SB 47-Scott
SB 14-Nodler	SB 49-Scott
SB 15-Nodler	SB 50-Bray
SB 16-Nodler	SB 51-Bray
SB 17-Bray, et al	SB 52-Bray
SB 18-Bray, et al	SB 53-Days
SB 19-Bray, et al	SB 54-Days
SB 20-Days and Smith	SB 55-Days
SB 21-Days, et al	SB 56-Callahan
SB 22-Days and Bray	SB 57-Stouffer
SB 23-Callahan	SB 58-Stouffer
SB 24-Callahan	SB 59-Stouffer
SB 25-Callahan	SB 60-Wilson
SB 26-Ridgeway	SB 61-Wilson
SB 27-Ridgeway	SB 62-Wilson
SB 28-Ridgeway	SB 63-Rupp and Smith
SB 29-Stouffer	SB 64-Rupp
SB 30-Stouffer	SB 65-Rupp
SB 31-Stouffer	SB 66-Scott
SB 32-Wilson	SB 67-Scott
SB 33-Wilson	SB 68-Bray
SB 34-Wilson	SB 69-Bray

SB 70-Bray	SB 114-Crowell
SB 71-Stouffer	SB 115-Bray
SB 72-Stouffer	SB 116-Bray
SB 73-Stouffer	SB 117-Green
SB 74-Wilson	SB 118-Griesheimer
SB 75-Wilson	SB 119-Griesheimer
SB 76-Wilson	SB 120-Bray
SB 77-Stouffer	SB 121-Purgason
SB 78-Wilson	SB 122-Griesheimer
SB 79-Wilson	SB 123-Griesheimer
SB 80-Wilson	SB 124-Bray
SB 81-Wilson	SB 125-Bray
SB 82-Wilson	SB 126-Rupp
SB 83-Wilson	SB 127-Rupp
SB 84-Purgason	SB 128-Rupp
SB 85-Crowell	SB 129-McKenna, et al
SB 86-Crowell	SB 130-McKenna, et al
SB 87-Crowell	SB 131-Smith
SB 88-Stouffer	SB 132-Smith
SB 89-Stouffer	SB 133-Smith
SB 90-Stouffer	SB 134-Dempsey
SB 91-Green, et al	SB 135-Dempsey
SB 92-Green, et al	SB 136-Rupp and Smith
SB 93-Green	SB 137-Rupp
SB 94-Justus, et al	SB 138-Smith
SB 95-Justus	SB 139-Mayer
SB 96-Justus, et al	SB 140-Smith
SB 97-Smith	SB 141-Smith
SB 98-Smith	SB 142-Bartle
SB 99-Cunningham	SB 143-Mayer
SB 100-Schaefer	SB 144-Wright-Jones
SB 101-Green	SB 145-Wright-Jones
SB 102-Green	SB 146-Dempsey
SB 103-Green	SB 147-Dempsey
SB 104-Justus, et al	SB 148-Dempsey
SB 105-Justus, et al	SB 149-Dempsey
SB 106-Justus	SB 150-Griesheimer
SB 107-Green	SB 151-Clemens
SB 108-Justus	SB 152-Clemens
SB 109-Justus, et al	SB 153-Clemens
SB 110-Crowell	SB 154-Goodman
SB 111-Crowell	SB 155-Goodman
SB 112-Crowell	SB 156-Goodman
SB 113-Crowell	SB 157-Schmitt

SB 158-Clemens	SB 184-Bartle
SB 159-Clemens	SB 185-Bray
SB 160-Crowell	SB 186-Bray
SB 161-Crowell	SB 187-Vogel
SB 162-Crowell	SB 188-Dempsey, et al
SB 163-Justus	SB 189-Shields
SB 164-Justus	SB 190-Shoemyer
SB 165-Justus	SB 191-Shoemyer
SB 166-Justus	SB 192-Shoemyer
SB 167-Rupp	SB 193-Shoemyer
SB 168-Shoemyer	SB 194-Shoemyer
SB 169-Shoemyer	SB 195-Shoemyer
SB 170-Shoemyer	SB 196-Shoemyer
SB 171-Griesheimer	SB 197-Goodman
SB 172-Green	SB 198-McKenna
SB 173-Green	SB 199-McKenna
SB 174-Griesheimer	SB 200-Cunningham
SB 175-Schmitt	SB 201-Cunningham
SB 176-Stouffer	SB 202-Schaefer
SB 177-Stouffer	SJR 1-Bartle
SB 178-Stouffer	SJR 2-Bartle
SB 179-Wright-Jones	SJR 3-Crowell
SB 180-Bartle	SJR 4-Cunningham
SB 181-Bartle	SJR 5-Schmitt
SB 182-Bartle	SJR 6-Lager
SB 183-Bartle	SJR 7-Rupp

## INFORMAL CALENDAR

### RESOLUTIONS

#### To be Referred

SCR 2-Crowell	SCR 5-Stouffer
SCR 3-Justus	SCR 6-Lager
SCR 4-Wright-Jones	SCR 7-Pearce

### MISCELLANEOUS

SRM 1-Green



# Journal of the Senate

FIRST REGULAR SESSION

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**SIXTH DAY—THURSDAY, JANUARY 15, 2009**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Many waters cannot quench love, neither can floods drown it.” (Song of Songs 8:7)

As we complete another week and head home, remind us Lord, that You have given us those whom we are to love and glorify in our words and actions so that we might truly express the love we feel for them. Help us to pray with them and be found in Your house of worship so that we are truly in You and You in us completing and becoming all You intend for us to be. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Shields—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Crowell offered Senate Resolution No. 43, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Carl Eakins, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 44, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Gene Rhodes, Cape Girardeau, which was adopted.

Senator Ridgeway offered Senate Resolution No. 45, regarding Connor Wayne Choice, Liberty, which was adopted.

Senator Barnitz offered Senate Resolution No. 46, regarding the Fortieth Anniversary of the Meramec Regional Planning Commission, which was adopted.

Senator Vogel offered Senate Resolution No. 47, regarding Rob Agee, Jefferson City, which was adopted.

Senator Lembke offered Senate Resolution No. 48, regarding Eric Viehman, St. Louis, which was adopted.

Senator Griesheimer offered the following resolution:

### SENATE RESOLUTION NO. 49

WHEREAS, the Missouri Senate recognizes the important contribution of Community Colleges to the higher education system of the state of Missouri; and

WHEREAS, the Missouri Community College Association serves the educational needs of the citizens of the state of Missouri by offering educational leadership through the state's community colleges; and

WHEREAS, the Missouri Senate has maintained a policy of granting the use of the Senate Chamber for beneficial purposes:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly, hereby grant the Missouri Community College Association use of the Senate Chamber on Monday, February 23, 2009, from 9:00 a.m. to 11:00 a.m.

Senator Griesheimer requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 49** up for adoption, which request was granted.

On motion of Senator Griesheimer, **SR 49** was adopted.

Senator Clemens offered Senate Resolution No. 50, regarding Alexander Scott "Alex" DeGood, Springfield, which was adopted.

## CONCURRENT RESOLUTIONS

Senator Shoemyer offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 8

WHEREAS, horse processing is the most tightly regulated of any animal harvest, and the horse is the only animal that has its transportation to processing regulated. If horse processing plants are forced to close and export options are eliminated, the Horse Welfare Coalition estimates that 90,000 to 100,000 unwanted horses annually would be exposed to potential abandonment and neglect; and

WHEREAS, the 90,000 to 100,000 additional unwanted horses each year would compete for adoption with the 32,000 wild horses that United States taxpayers are already paying \$40 million to shelter and feed; and

WHEREAS, the nation's inadequate, overburdened, and unregulated horse rescue and adoption facilities cannot handle the influx of the approximately 60,000 or more additional horses each year that would result from a harvesting ban, according to the Congressional Research Service; and



WHEREAS, many zoo animal diets rely on equine protein because it mimics what the animal would receive in the wild. Veterinarians and animal nutritionists say it is the healthiest diet for big cats and rare birds. If legislation shuts down horse processing facilities, the only source for this meat that is inspected by the U.S. Department of Agriculture (USDA) will be eliminated:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to strongly support the continuation of horse processing in the United States and to offer incentives that help create horse processing plants throughout the United States, such as state-inspected horse harvest for export; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly strongly encourage Congress to support new horse processing facilities and the continuation of existing facilities on both the state and national level; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly urge Congress to oppose any legislation introduced in the 111th Congress that would restrict the transportation and processing of horses in the United States and internationally; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly support the location of USDA-approved horse processing facilities on state, tribal, or private lands under mutually-acceptable and market-driven land leases and, if necessary, a mutually-acceptable assignment of revenues that meet the needs of all parties involved with the facility; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

Senator Shoemyer offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 9

WHEREAS, the practice of saving seed from one year's harvest in order to plant it for the next year's crop has been an integral part of farming for as long as farming has existed; and

WHEREAS, the act of patenting seed and not allowing the seed to be saved from one crop to the next goes against thousands of years of agricultural practice; and

WHEREAS, the use of federal patent law in this manner allows the patent holder to create a monopoly in this country on the sale of certain crop seeds; and

WHEREAS, the creation of a monopoly under federal patent law contradicts the spirit of federal anti-trust law as well as violates the spirit of the independent American farmer:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, encourage Congress to amend the Patent Act so that the natural offspring of a patented seed are not considered to be covered under the original patent and amend the Patent Act so that inadvertent possession of a seed containing a patented cell or any offspring of such a seed is not considered infringement of the original patent; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for each member of Missouri's Congressional delegation.

### INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 203**—By Justus.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the duty of a pharmacy to fill prescriptions.

**SB 204**—By Goodman, Shoemyer and Clemens.

An Act to repeal sections 195.070, 195.100, 337.010, 337.015, 337.020, 337.050, and 338.198, RSMo, and to enact in lieu thereof eight new sections relating to psychologist licensing.

**SB 205**—By Shoemyer.

An Act to amend chapter 523, RSMo, by adding thereto one new section relating to prohibiting condemnation of property owned by a gun or sportsmen's club.

**SB 206**—By Shoemyer.

An Act to repeal section 105.005, RSMo, and to enact in lieu thereof one new section relating to state officials and employees compensation.

**SB 207**—By Rupp.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to data security breaches.

**SB 208**—By Rupp.

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to teacher certification for part-time teachers.

**SB 209**—By Clemens.

An Act to amend chapter 430, RSMo, by adding thereto eleven new sections relating to security interests in farm products.

**SJR 8**—By Shoemyer and Purgason.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to hand-fishing.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Tuesday, January 20, 2009.

**SENATE CALENDAR**  

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**SEVENTH DAY—TUESDAY, JANUARY 20, 2009**  

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**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 1-Scott	SB 9-Champion
SB 2-Scott	SB 10-Champion
SB 3-Scott	SB 11-Bartle, et al
SB 4-Shields	SB 12-Bartle and Smith
SB 5-Griesheimer	SB 13-Bartle
SB 6-Griesheimer	SB 14-Nodler
SB 7-Griesheimer	SB 15-Nodler
SB 8-Champion	SB 16-Nodler

SB 17-Bray, et al	SB 62-Wilson
SB 18-Bray, et al	SB 63-Rupp and Smith
SB 19-Bray, et al	SB 64-Rupp
SB 20-Days and Smith	SB 65-Rupp
SB 21-Days, et al	SB 66-Scott
SB 22-Days and Bray	SB 67-Scott
SB 23-Callahan	SB 68-Bray
SB 24-Callahan	SB 69-Bray
SB 25-Callahan	SB 70-Bray
SB 26-Ridgeway	SB 71-Stouffer
SB 27-Ridgeway	SB 72-Stouffer
SB 28-Ridgeway	SB 73-Stouffer
SB 29-Stouffer	SB 74-Wilson
SB 30-Stouffer	SB 75-Wilson
SB 31-Stouffer	SB 76-Wilson
SB 32-Wilson	SB 77-Stouffer
SB 33-Wilson	SB 78-Wilson
SB 34-Wilson	SB 79-Wilson
SB 35-Goodman and Champion	SB 80-Wilson
SB 36-Goodman	SB 81-Wilson
SB 37-Goodman	SB 82-Wilson
SB 38-Rupp	SB 83-Wilson
SB 39-Rupp	SB 84-Purgason
SB 40-Rupp	SB 85-Crowell
SB 41-Cunningham	SB 86-Crowell
SB 42-Cunningham and Smith	SB 87-Crowell
SB 43-Pearce	SB 88-Stouffer
SB 44-Pearce	SB 89-Stouffer
SB 45-Pearce	SB 90-Stouffer
SB 46-Schaefer	SB 91-Green, et al
SB 47-Scott	SB 92-Green, et al
SB 49-Scott	SB 93-Green
SB 50-Bray	SB 94-Justus, et al
SB 51-Bray	SB 95-Justus
SB 52-Bray	SB 96-Justus, et al
SB 53-Days	SB 97-Smith
SB 54-Days	SB 98-Smith
SB 55-Days	SB 99-Cunningham
SB 56-Callahan	SB 100-Schaefer
SB 57-Stouffer	SB 101-Green
SB 58-Stouffer	SB 102-Green
SB 59-Stouffer	SB 103-Green
SB 60-Wilson	SB 104-Justus, et al
SB 61-Wilson	SB 105-Justus, et al

SB 106-Justus	SB 150-Griesheimer
SB 107-Green	SB 151-Clemens
SB 108-Justus	SB 152-Clemens
SB 109-Justus, et al	SB 153-Clemens
SB 110-Crowell	SB 154-Goodman
SB 111-Crowell	SB 155-Goodman
SB 112-Crowell	SB 156-Goodman
SB 113-Crowell	SB 157-Schmitt
SB 114-Crowell	SB 158-Clemens
SB 115-Bray	SB 159-Clemens
SB 116-Bray	SB 160-Crowell
SB 117-Green	SB 161-Crowell
SB 118-Griesheimer	SB 162-Crowell
SB 119-Griesheimer	SB 163-Justus
SB 120-Bray	SB 164-Justus
SB 121-Purgason	SB 165-Justus
SB 122-Griesheimer	SB 166-Justus
SB 123-Griesheimer	SB 167-Rupp
SB 124-Bray	SB 168-Shoemyer
SB 125-Bray	SB 169-Shoemyer
SB 126-Rupp	SB 170-Shoemyer
SB 127-Rupp	SB 171-Griesheimer
SB 128-Rupp	SB 172-Green
SB 129-McKenna, et al	SB 173-Green
SB 130-McKenna, et al	SB 174-Griesheimer
SB 131-Smith	SB 175-Schmitt
SB 132-Smith	SB 176-Stouffer
SB 133-Smith	SB 177-Stouffer
SB 134-Dempsey	SB 178-Stouffer
SB 135-Dempsey	SB 179-Wright-Jones
SB 136-Rupp and Smith	SB 180-Bartle
SB 137-Rupp	SB 181-Bartle
SB 138-Smith	SB 182-Bartle
SB 139-Mayer	SB 183-Bartle
SB 140-Smith	SB 184-Bartle
SB 141-Smith	SB 185-Bray
SB 142-Bartle	SB 186-Bray
SB 143-Mayer	SB 187-Vogel
SB 144-Wright-Jones	SB 188-Dempsey, et al
SB 145-Wright-Jones	SB 189-Shields
SB 146-Dempsey	SB 190-Shoemyer
SB 147-Dempsey	SB 191-Shoemyer
SB 148-Dempsey	SB 192-Shoemyer
SB 149-Dempsey	SB 193-Shoemyer

SB 194-Shoemyer  
SB 195-Shoemyer  
SB 196-Shoemyer  
SB 197-Goodman  
SB 198-McKenna  
SB 199-McKenna  
SB 200-Cunningham  
SB 201-Cunningham  
SB 202-Schaefer  
SB 203-Justus  
SB 204-Goodman, et al  
SB 205-Shoemyer

SB 206-Shoemyer  
SB 207-Rupp  
SB 208-Rupp  
SB 209-Clemens  
SJR 1-Bartle  
SJR 2-Bartle  
SJR 3-Crowell  
SJR 4-Cunningham  
SJR 5-Schmitt  
SJR 6-Lager  
SJR 7-Rupp  
SJR 8-Shoemyer and Purgason

## INFORMAL CALENDAR

### RESOLUTIONS

#### To be Referred

SCR 2-Crowell  
SCR 3-Justus  
SCR 4-Wright-Jones  
SCR 5-Stouffer

SCR 6-Lager  
SCR 7-Pearce  
SCR 8-Shoemyer  
SCR 9-Shoemyer

### MISCELLANEOUS

SRM 1-Green

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# Journal of the Senate

FIRST REGULAR SESSION

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SEVENTH DAY—TUESDAY, JANUARY 20, 2009

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Grant me, O Lord, to know what I ought to know, to love what I ought to love, to praise what delights you most, to value what is precious in your sight.” (Thomas Kempis)

Almighty God, on such a historic day in which so much is changing and so much expected from the new President, help President Obama and us to be mindful of what is truly needed and desirable. Lead us to value what You consider most precious and important. Help us to apply our hearts and minds to what delights You and guide our work this week to move along the path that You would have us take. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 15, 2009 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Engler
Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Stouffer	Vogel	Wilson—27					

Absent—Senators—None

Absent with leave—Senators

Bartle	Bray	Dempsey	McKenna	Shoemyer	Smith	Wright-Jones—7
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Vacancies—None

The Lieutenant Governor was present.

### **RESOLUTIONS**

Senator Shields offered Senate Resolution No. 51, regarding Kenaniah T. Reiser, Farley, which was adopted.

Senator Days offered Senate Resolution No. 52, regarding the death of Terry L. Darris, Florissant, which was adopted.

Senator Engler offered Senate Resolution No. 53, regarding Jeremy Abts, Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 54, regarding Connor Abts, Ste. Genevieve, which was adopted.

Senator Crowell offered Senate Resolution No. 55, regarding Mike Shain, Cape Girardeau, which was adopted.

Senator Purgason offered Senate Resolution No. 56, regarding Rita S. Fugate, West Plains, which was adopted.

Senator Stouffer offered Senate Resolution No. 57, regarding the Ninetieth Birthday of Helen Louise Gwinner McDuffee, Macon, which was adopted.

Senators Schmitt and Lembke offered Senate Resolution No. 58, regarding Tessa Greenspan, St. Louis, which was adopted.

Senators Schmitt and Lembke offered Senate Resolution No. 59, regarding Ron Becher, St. Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 60, regarding Ellen O'Brien, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 61, regarding Carol Ann Miller, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 62, regarding Joe and Cindy Roeser, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 63, regarding John Hessel, Kirkwood, which was adopted.

Senator Shields offered Senate Resolution No. 64, regarding Ron and Carol Lemirand, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 65, regarding Carl Brandt, Overland Park, Kansas, which was adopted.

Senator Shields offered Senate Resolution No. 66, regarding Jack Fiorella, Kansas City, which was adopted.

On behalf of Senator Bray, Senator Callahan offered Senate Resolution No. 67, regarding Jack B. Rosen, D.D.S., Saint Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 68, regarding August Holthaus, Gray Summit,

which was adopted.

Senator Griesheimer offered Senate Resolution No. 69, regarding Michael F. Casey, Jr., Gray Summit, which was adopted.

Senator Griesheimer offered Senate Resolution No. 70, regarding Gene Harfst, Gray Summit, which was adopted.

Senator Griesheimer offered Senate Resolution No. 71, regarding Lloyd Harfst, Labadie, which was adopted.

Senator Schmitt offered Senate Resolution No. 72, regarding Daniel George Batten, Manchester, which was adopted.

Senator Crowell offered Senate Resolution No. 73, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Quentin Felty, Millersville, which was adopted.

Senator Crowell offered Senate Resolution No. 74, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Milton Kasten, Jackson, which was adopted.

Senator Schmitt, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 75

Whereas, the members of the Missouri Senate feel it is altogether fitting and proper to pause from time to time to recognize individuals who have contributed to the welfare of this great state and its citizens, particularly its public servants; and

Whereas, the members now pause to recognize Michael R. Gibbons, the former senator representing Missouri's fifteenth district, which includes much of southwest St. Louis County; and

Whereas, during his tenure as President Pro Tem and Majority Floor Leader of the Senate, Michael R. Gibbons was looked upon by his colleagues and staff with high esteem and respect for his leadership; and

Whereas, Michael R. Gibbons, found wisdom and guidance daily on the walls of the Senate Chamber, "Nothing is politically right that is morally wrong" and "Free and fair discussion will ever be found the firmest friend to truth"; and

Whereas, a life-long resident of Kirkwood, Missouri, Michael R. Gibbons completed his second term representing Missouri's 15th senatorial district and his term as president pro tem of the Missouri Senate on January 7, 2009; and

Whereas, Michael R. Gibbons began his career in public service in 1986 when he was elected to the Kirkwood City Council; and

Whereas, Michael R. Gibbons then served eight years as a Missouri State Representative representing the residents of Missouri's 94th district before being elected senator from Missouri's 15th district, in 2000; and

Whereas, Michael R. Gibbons practices law at Stinson, Morrison, Hecker LLP in St. Louis, prior to which he practiced for twenty years alongside his father and namesake, Michael Gibbons, in Kirkwood; and

Whereas, Michael R. Gibbons holds a bachelor of arts from Westminster College in Fulton, Missouri, and a juris doctorate from the Saint Louis University School of Law; and

Whereas, Michael R. Gibbons has a long and impressive list of awards and accolades including the Missouri Sheriffs' Association "Missouri Senator of the Year Award", Missouri Deputy Sheriffs' Association "Missouri Senator of the Year Award", Missouri Society of Certified Public Accountants "Legislative Recognition Award", Family Leadership Council "Winston Churchill Leadership Award", Missouri Autism Project "Legislative Award", Judicial Conference of Missouri "Outstanding Legislative Service to the People of Missouri Award", among many, many others; and

Whereas, Michael R. Gibbons is the loyal son of Folsta and Michael Gibbons, the beloved husband of Liz Weddel, and the devoted father of one daughter, Meredith, and of one son, Danny; the protective elder sibling of sister, Edie and her husband, Dan; and uncle to Michael and Sara:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fifth General Assembly, extend our most heartfelt gratitude to Michael R. Gibbons for his years of public service to the members and leadership of this esteemed body, to the citizens of



Missouri's 15th senatorial district, to the citizens of Missouri's 94th district, to the citizens of Kirkwood, and to the citizens of this great state; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Michael R. Gibbons, as a measure of our regard and affection.

Senator Stouffer offered Senate Resolution No. 76, regarding the Seventy-fifth Anniversary of Boy Scout Troop 317, which was adopted.

Senators Shields, Ridgeway and Stouffer offered Senate Resolution No. 77, regarding David R. Carpenter, Parkville, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

**SB 210**—By Lembke and Cunningham.

An Act to repeal section 484.040, RSMo, and to enact in lieu thereof one new section relating to a voluntary state bar association, with an effective date.

**SB 211**—By Lembke.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the use of automated photo red light enforcement systems by local governments.

**SB 212**—By Griesheimer.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the Small Business and Entrepreneurial Growth Act.

**SB 213**—By Scott.

An Act to repeal section 166.420, RSMo, and to enact in lieu thereof one new section relating to the minimum time for holding investments in the Missouri higher education savings program.

**SB 214**—By Scott.

An Act to repeal sections 700.010, 700.100, and 700.650, RSMo, and to enact in lieu thereof three new sections relating to manufactured homes.

**SB 215**—By Shields.

An Act to repeal sections 68.025, 68.035, 68.040, and 68.070, RSMo, and to enact in lieu thereof seventeen new sections relating to port authorities.

**SJR 9**—By Lembke and Cunningham.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing sections 25 (a), 25 (d), and 25 (e), of article V of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the appellate judicial commission.

**SJR 10**—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 2 of article VII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to

impeachment trials.

**SJR 11**—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 2 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the protection of economic freedom.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
January 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Stephen L. Danner, 1075 Crescent Drive, Hollister, Taney County, Missouri 65672, as Adjutant General of the Missouri National Guard, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully Submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
January 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Susan Eckles, 8650 Delmar Boulevard, Apartment 1E, University City, Saint Louis, Missouri 63124, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2011, and until her successor is duly appointed and qualified; vice, Linda Allen, resigned.

Respectfully Submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
January 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dr. Jon M. Hagler, P.O. Box 533, St. James, Phelps County, Missouri 65559, as Director of the Department of Agriculture, for a term

ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully Submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
January 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dena Ladd, 6 Rio Vista, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Children's Trust Fund Board, for a term ending September 15, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully Submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
January 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Karen King Mitchell, 903 Haverhill Court, Columbia, Boone County, Missouri 65203, as Director of the Department of Revenue, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully Submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
January 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kelvin L. Simmons, 2010 East 61<sup>st</sup> Terrace, Kansas City, Jackson County, Missouri 64130, as Commissioner of the Office of Administration, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully Submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

January 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Linda M. Martinez, 1517 Washington Avenue #8, St. Louis City, Missouri 63103, as Director of the Department of Economic Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully Submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 10**.

HOUSE CONCURRENT RESOLUTION NO. 10

BE IT RESOLVED, by the House of Representatives of the Ninety-fifth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Tuesday, January 27, 2009, to receive a message from His Excellency, the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-fifth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 11**.

HOUSE CONCURRENT RESOLUTION NO. 11

BE IT RESOLVED, by the House of Representatives of the Ninety-fifth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 28, 2009, to receive a message from Her Honor Chief Justice Laura Denvir Stith, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform Her Honor that the House of Representatives and the Senate of the Ninety-fifth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that Her Honor may desire to submit, and that the Chief Clerk

of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

### **SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolutions were read the 2nd time and referred to the Committees indicated:

**SCR 2**—Rules, Joint Rules, Resolutions and Ethics.

**SCR 3**—Rules, Joint Rules, Resolutions and Ethics.

**SCR 6**—Rules, Joint Rules, Resolutions and Ethics.

### **REFERRALS**

President Pro Tem Shields referred **SCR 4**; **SCR 5**; **SCR 7**; **SCR 8**; and **SCR 9** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Shields referred **SRM 1** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Engler, the Senate adjourned under the rules.

### **SENATE CALENDAR**

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EIGHTH DAY—WEDNESDAY, JANUARY 21, 2009

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### **FORMAL CALENDAR**

#### **SECOND READING OF SENATE BILLS**

SB 1-Scott	SB 13-Bartle
SB 2-Scott	SB 14-Nodler
SB 3-Scott	SB 15-Nodler
SB 4-Shields	SB 16-Nodler
SB 5-Griesheimer	SB 17-Bray, et al
SB 6-Griesheimer	SB 18-Bray, et al
SB 7-Griesheimer	SB 19-Bray, et al
SB 8-Champion	SB 20-Days and Smith
SB 9-Champion	SB 21-Days, et al
SB 10-Champion	SB 22-Days and Bray
SB 11-Bartle, et al	SB 23-Callahan
SB 12-Bartle and Smith	SB 24-Callahan

SB 25-Callahan	SB 70-Bray
SB 26-Ridgeway	SB 71-Stouffer
SB 27-Ridgeway	SB 72-Stouffer
SB 28-Ridgeway	SB 73-Stouffer
SB 29-Stouffer	SB 74-Wilson
SB 30-Stouffer	SB 75-Wilson
SB 31-Stouffer	SB 76-Wilson
SB 32-Wilson	SB 77-Stouffer
SB 33-Wilson	SB 78-Wilson
SB 34-Wilson	SB 79-Wilson
SB 35-Goodman and Champion	SB 80-Wilson
SB 36-Goodman	SB 81-Wilson
SB 37-Goodman	SB 82-Wilson
SB 38-Rupp	SB 83-Wilson
SB 39-Rupp	SB 84-Purgason
SB 40-Rupp	SB 85-Crowell
SB 41-Cunningham	SB 86-Crowell
SB 42-Cunningham and Smith	SB 87-Crowell
SB 43-Pearce	SB 88-Stouffer
SB 44-Pearce	SB 89-Stouffer
SB 45-Pearce	SB 90-Stouffer
SB 46-Schaefer	SB 91-Green, et al
SB 47-Scott	SB 92-Green, et al
SB 49-Scott	SB 93-Green
SB 50-Bray	SB 94-Justus, et al
SB 51-Bray	SB 95-Justus
SB 52-Bray	SB 96-Justus, et al
SB 53-Days	SB 97-Smith
SB 54-Days	SB 98-Smith
SB 55-Days	SB 99-Cunningham
SB 56-Callahan	SB 100-Schaefer
SB 57-Stouffer	SB 101-Green
SB 58-Stouffer	SB 102-Green
SB 59-Stouffer	SB 103-Green
SB 60-Wilson	SB 104-Justus, et al
SB 61-Wilson	SB 105-Justus, et al
SB 62-Wilson	SB 106-Justus
SB 63-Rupp and Smith	SB 107-Green
SB 64-Rupp	SB 108-Justus
SB 65-Rupp	SB 109-Justus, et al
SB 66-Scott	SB 110-Crowell
SB 67-Scott	SB 111-Crowell
SB 68-Bray	SB 112-Crowell
SB 69-Bray	SB 113-Crowell

SB 114-Crowell	SB 158-Clemens
SB 115-Bray	SB 159-Clemens
SB 116-Bray	SB 160-Crowell
SB 117-Green	SB 161-Crowell
SB 118-Griesheimer	SB 162-Crowell
SB 119-Griesheimer	SB 163-Justus
SB 120-Bray	SB 164-Justus
SB 121-Purgason	SB 165-Justus
SB 122-Griesheimer	SB 166-Justus
SB 123-Griesheimer	SB 167-Rupp
SB 124-Bray	SB 168-Shoemyer
SB 125-Bray	SB 169-Shoemyer
SB 126-Rupp	SB 170-Shoemyer
SB 127-Rupp	SB 171-Griesheimer
SB 128-Rupp	SB 172-Green
SB 129-McKenna, et al	SB 173-Green
SB 130-McKenna, et al	SB 174-Griesheimer
SB 131-Smith	SB 175-Schmitt
SB 132-Smith	SB 176-Stouffer
SB 133-Smith	SB 177-Stouffer
SB 134-Dempsey	SB 178-Stouffer
SB 135-Dempsey	SB 179-Wright-Jones
SB 136-Rupp and Smith	SB 180-Bartle
SB 137-Rupp	SB 181-Bartle
SB 138-Smith	SB 182-Bartle
SB 139-Mayer	SB 183-Bartle
SB 140-Smith	SB 184-Bartle
SB 141-Smith	SB 185-Bray
SB 142-Bartle	SB 186-Bray
SB 143-Mayer	SB 187-Vogel
SB 144-Wright-Jones	SB 188-Dempsey, et al
SB 145-Wright-Jones	SB 189-Shields
SB 146-Dempsey	SB 190-Shoemyer
SB 147-Dempsey	SB 191-Shoemyer
SB 148-Dempsey	SB 192-Shoemyer
SB 149-Dempsey	SB 193-Shoemyer
SB 150-Griesheimer	SB 194-Shoemyer
SB 151-Clemens	SB 195-Shoemyer
SB 152-Clemens	SB 196-Shoemyer
SB 153-Clemens	SB 197-Goodman
SB 154-Goodman	SB 198-McKenna
SB 155-Goodman	SB 199-McKenna
SB 156-Goodman	SB 200-Cunningham
SB 157-Schmitt	SB 201-Cunningham

SB 202-Schaefer	SB 215-Shields
SB 203-Justus	SJR 1-Bartle
SB 204-Goodman, et al	SJR 2-Bartle
SB 205-Shoemyer	SJR 3-Crowell
SB 206-Shoemyer	SJR 4-Cunningham
SB 207-Rupp	SJR 5-Schmitt
SB 208-Rupp	SJR 6-Lager
SB 209-Clemens	SJR 7-Rupp
SB 210-Lembke and Cunningham	SJR 8-Shoemyer and Purgason
SB 211-Lembke	SJR 9-Lembke and Cunningham
SB 212-Griesheimer	SJR 10-Lembke
SB 213-Scott	SJR 11-Lembke
SB 214-Scott	

#### INFORMAL CALENDAR

#### RESOLUTIONS

HCR 10-Tilley (Engler)

HCR 11-Tilley (Engler)

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# Journal of the Senate

FIRST REGULAR SESSION

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**EIGHTH DAY—WEDNESDAY, JANUARY 21, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Greet every person with a pleasant face...Receive every person in a cheerful manner.” (Ethics of the Fathers)

Benevolent Father, You have shown us that You desire us to receive the stranger and neighbor with cheerfulness and make each feel welcome in our midst. Help us, we pray, to have such a joy of life and contemplative demeanor that it is no effort for us to be pleasant to one another, staff and visitors. And bless us with Your presence throughout this day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senators

McKenna      Shoemyer—2

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Crowell offered Senate Resolution No. 78, regarding Carol LaChance, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 79, regarding Kenneth Pierce, CPA, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 80, regarding Denny Ward, Marquand, which was adopted.

Senator Crowell offered Senate Resolution No. 81, regarding Kenny McDowell, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 82, regarding Karen Fulton, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 83, regarding New Era Bank, Fredericktown, which was adopted.

Senator Wilson offered Senate Resolution No. 84, regarding Black History Month 2009, which was adopted.

Senator Wilson offered Senate Resolution No. 85, regarding Dr. Sere Myers, DDS, Kansas City, which was adopted.

## CONCURRENT RESOLUTIONS

Senator Engler moved that **HCR 10** be taken up for adoption, which motion prevailed.

On motion of Senator Engler, **HCR 10** was adopted by the following vote:

### YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bray	Dempsey	McKenna	Shoemyer—4
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Vacancies—None

Senator Engler moved that **HCR 11** be taken up for adoption, which motion prevailed.

On motion of Senator Engler, **HCR 11** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bray	Dempsey	McKenna	Shoemyer—4
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Vacancies—None

Senator Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

WHEREAS, the Missouri General Assembly, acting with the best of intentions, applied to the Congress of the United States by resolution in accordance with Article V, Constitution of the United States, for a constitutional convention for the purpose of amending the Constitution of the United States; and

WHEREAS, Senate Concurrent Resolution No. 3, was passed by the Eighty-second General Assembly of the State of Missouri in 1983 specifically proposing a constitutional convention for the sole purpose of adopting an amendment requiring a balanced federal budget; and

WHEREAS, over the course of time, the will of the people of the State of Missouri has changed with regards to Missouri's previous call for a constitutional convention to amend the Constitution of the United States; and

WHEREAS, certain persons or states have called for a constitutional convention on issues that may be directly in opposition to the will of the people of this state; and

WHEREAS, the people of this state do not want their previous applications for a constitutional convention to be aggregated with those calls for a convention from other states; and

WHEREAS, former Justice of the United States Supreme Court Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg and many other leading constitutional scholars are in general agreement that a convention, notwithstanding whatever limitation might be placed on it by the call for a convention, may propose sweeping constitutional changes or, by virtue of the authority of a constitutional convention, redraft the Constitution of the United States creating an imminent peril to the well established rights of citizens and to the duties of various levels of government; and

WHEREAS, the Constitution of the United States has been amended many times in the history of this nation and may be amended many more times without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and found to be a sound document that protects the lives and liberties of citizens; and

WHEREAS, there is no need for, and in fact there is great danger in, a new constitution or in opening the Constitution of the United States to radical changes, the adoption of which could create legal chaos in this nation and begin the process of another two centuries of litigation over its meaning and interpretation; and

WHEREAS, changes or amendments that may be needed in the present Constitution of the United States may be proposed and enacted without resorting to a constitutional convention by using the process provided in the Constitution and previously used throughout the history of this nation:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, that the Missouri General Assembly hereby repeals, rescinds, cancels, renders null and void

and supersedes any and all existing applications to the Congress of the United States for a constitutional convention under Article V of the Constitution of the United States for any purpose, whether limited or general; and

BE IT FURTHER RESOLVED that the Missouri General Assembly urges the legislature of each and every state that has applied to Congress for either a general or limited constitutional convention to repeal and rescind their applications; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of General Services in Washington, D.C., each member of Missouri's congressional delegation, and the Secretaries of State and presiding officers of both houses of the legislatures of each state in the Union.

## INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 216**—By Scott.

An Act to repeal section 425.010, RSMo, and to enact in lieu thereof six new sections relating to debt settlement providers.

**SB 217**—By Goodman.

An Act to repeal section 351.225, RSMo, and to enact in lieu thereof one new section relating to corporate shareholders' meetings.

**SJR 12**—By Scott.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to religious freedom.

## RESOLUTIONS

Senator Shields offered the following resolution:

### SENATE RESOLUTION NO. 86

#### NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from Buchanan County of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that Senate Rules 25 and 28 be amended to read as follows:

“Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, [Conservation, Parks and Natural Resources] **Food Production and Outdoor Resources**, [9] **6** members.
3. Committee on Appropriations, [10] **11** members.
4. Committee on Commerce, **Consumer Protection**, Energy and the Environment, 10 members.
5. [Committee on Economic Development, Tourism and Local Government, 11 members.
- 6.] Committee on Education, [11] **9** members.
- [7.] **6.** Committee on Financial and Governmental Organizations and Elections, [9] **10** members.
- 7. Committee on General Laws, 7 members.**
8. Committee on Governmental Accountability and Fiscal Oversight, [8] **7** members.
9. Committee on Gubernatorial Appointments, 9 members.
10. Committee on Health [and], Mental Health, **Seniors and Families**, [5 members] **8 members**.

11. **Committee on Jobs, Economic Development and Local Government, 10 members.**

12. Committee on the Judiciary and Civil and Criminal Jurisprudence, [8] 7 members.

[12. Committee on Pensions, Veterans' Affairs and General Laws, 8 members.]

13. **Committee on Progress and Development, 5 members.**

14. Committee on Rules, Joint Rules, Resolutions and Ethics, [7] 6 members.

[14. Committee on Seniors, Families and Public Health, 9 members.]

15. Committee on Small Business, Insurance and [Industrial Relations] **Industry**, [8] 9 members.

16. Committee on Transportation, 10 members.

17. **Committee on Veterans' Affairs, Pensions and Urban Affairs, 6 members.**

18. Committee on Ways and Means, 8 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Agriculture, [Conservation, Parks and Natural Resources] **Food Production and Outdoor Resources** shall consider [all questions and report on all bills, resolutions, regulatory matters, and all other] **and report upon bills and** matters referred to it relating to animals, animal disease, pest control, agriculture, **food production**, the state park system, conservation of the state's natural resources, soil and water, wildlife and game refuges.

3. The Committee on Appropriations shall **consider and** report upon [all] bills and [measures and questions] **matters** referred to it pertaining to general appropriations and disbursement of public money.

4. The Committee on Commerce, **Consumer Protection**, Energy and the Environment shall consider [all questions and report on all bills, resolutions and all other] **and report upon bills and** matters referred to it relating to the development of state commerce, the commercial sector, consumer protection, **telecommunications and cable issues**, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental [pollution] **preservation**.

5. [The Committee on Economic Development, Tourism and Local Government shall consider all questions and report on all bills referred to it relating to the promotion of economic development, tourism and the promotion of tourism as a state industry, community and business development, county government, township organizations and political subdivisions.

6.] The Committee on Education shall [examine into and report upon all] **consider and report upon bills and** matters referred to it relating to [all matters of] education in the state, including the public schools, libraries, programs and institutions of higher learning[, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto].

[7.] **6.** The Committee on Financial and Governmental Organizations and Elections shall consider [all questions and report on all] **and report upon bills**[, resolutions] and [all other] matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also [examine and report upon all] **consider and report upon bills and** matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider [all questions and report on all] **and report upon bills**[, resolutions] and [on all] matters referred to it relating to election law [and all matters

relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections].

**7. The Committee on General Laws shall consider and report upon bills and matters referred to it relating to general topics.**

8. The Committee on Governmental Accountability and Fiscal Oversight shall consider **and report upon** all bills, except regular appropriation bills, [which] **that** require new appropriations or expenditures of appropriated funds in excess of \$100,000, or [which] **that** reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Governmental Accountability and Fiscal Oversight. The author or first-named sponsor of a bill referred to the Committee on Governmental Accountability and Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Governmental Accountability and Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee. The committee shall also [hear all] **consider and report upon bills and matters** referred to it relating to **tax credits, tax credit reform**, budget reform, governmental efficiency and management.

9. The Committee on Gubernatorial Appointments shall consider and report upon [all] gubernatorial appointments referred to it.

10. The Committee on Health [and], Mental Health, **Seniors and Families** shall consider and report upon [all] **bills and matters** referred to it concerning health, [Medicaid] **Mo HealthNet**, alternative health care delivery system proposals, mental health, [mental retardation and] developmental disabilities, and substance abuse and addiction. **It shall also consider and report upon bills and matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, and family and children's issues. It shall also consider and report upon bills and matters referred to it concerning income maintenance, social services, child support enforcement, public health, disease control, and hospital operations.**

11. **The Committee on Jobs, Economic Development and Local Government shall consider and report upon bills and matters referred to it relating to the promotion of economic development, the creation and retention of jobs, tourism and the promotion of tourism as a state industry, community and business development, county government, township organizations and political subdivisions.**

12. The Committee on the Judiciary and Civil and Criminal Jurisprudence shall consider [all questions and] **and report upon bills and matters** relating to the judicial department of the state including **the practice of the courts of this state**, civil procedure and [the] criminal laws [of this state], criminal costs and all related matters[; and shall examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation]. The Committee shall also [examine and report upon all matters and] **consider and report upon bills and matters** referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

[12. The Committee on Pensions, Veterans' Affairs and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning veterans' affairs and general topics.]

**13. The Committee on Progress and Development shall consider and report upon bills and matters referred to it concerning the changing or maintenance of issues relating to human welfare.**

14. The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on [all] rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon [all matters and] **bills and matters** referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called

up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

[14. The Committee on Seniors, Families and Public Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, and family and children's issues. It shall also consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, child support enforcement, public health and disease control and hospital operations.]

15. The Committee on Small Business, Insurance and [Industrial Relations] **Industry** shall [take into consideration all] **consider and report upon bills and** matters referred to it relating to the ownership and operation of small businesses; **and** life, accident, indemnity and other forms of insurance[; and all matters relating to urban renewal and housing]. The committee shall also take into consideration and report on [all] bills relating to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine [any] bills referred to it relating to industrial development [and other matters relating to urban areas].

16. The Committee on Transportation shall consider[, examine and report upon all matters] and **report upon bills and matters** referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles, **motor vehicle registration** and drivers' licenses.

17. **The Committee on Veterans' Affairs, Pensions and Urban Affairs shall consider and report upon bills and matters concerning veterans' affairs. The committee shall also consider and report upon bills and matters referred to it concerning retirement, pensions and pension plans; and urban renewal, housing and other matters relating to urban areas.**

18. The Committee on Ways and Means shall consider[, examine] and report upon [all matters and] bills **and matters** referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.”.

Senator Scott offered Senate Resolution No. 87, regarding Christian Patrick Dockery, Warsaw, which was adopted.

### INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Michael Vicory, Debbie Terry and Ed Duff, Joplin.

Senator Goodman introduced to the Senate, Diane Brewer, Brian Hinkebein, Howard Freeman and David Moore, St. Louis; and members of the Missouri Association of Nurse Anaesthetists from around the state.

Senator Days introduced to the Senate, Kara O'Malley and Cholpon Oskoeva, Jefferson City.

Senator Champion introduced to the Senate, the Physician of the Day, Dr. John Lilly, MBA, D.O., Springfield.

Senator Engler introduced to the Senate, Bill Long, Potosi.

Senator Mayer introduced to the Senate, Jay Decker, Poplar Bluff.

Senator Shields introduced to the Senate, Bob Letterman, Lee's Summit; Kathy Meyer, Overland; Chuck Pierce and Emily Kliethermes, Jefferson City; Christy Cabbage, Jeff Thorne and James and Sandra Thomas, Kansas City; Jim Hillin, Cape Girardeau; and Jay Decker, Poplar Bluff, members of Missouri Society of Certified Public Accountants.

Senator Bartle introduced to the Senate, Bob Letterman, Lee's Summit.

Senator Mayer introduced to the Senate, Wayne Jean, Dexter; Trish Soltys, Kansas City; Ven Houts, Kirkwood; Pamela Hill and Tom DeGroodt, Jefferson City, members of the Missouri State Board of

Accountancy.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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NINTH DAY—THURSDAY, JANUARY 22, 2009

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1-Scott	SB 28-Ridgeway
SB 2-Scott	SB 29-Stouffer
SB 3-Scott	SB 30-Stouffer
SB 4-Shields	SB 31-Stouffer
SB 5-Griesheimer	SB 32-Wilson
SB 6-Griesheimer	SB 33-Wilson
SB 7-Griesheimer	SB 34-Wilson
SB 8-Champion	SB 35-Goodman and Champion
SB 9-Champion	SB 36-Goodman
SB 10-Champion	SB 37-Goodman
SB 11-Bartle, et al	SB 38-Rupp
SB 12-Bartle and Smith	SB 39-Rupp
SB 13-Bartle	SB 40-Rupp
SB 14-Nodler	SB 41-Cunningham
SB 15-Nodler	SB 42-Cunningham and Smith
SB 16-Nodler	SB 43-Pearce
SB 17-Bray, et al	SB 44-Pearce
SB 18-Bray, et al	SB 45-Pearce
SB 19-Bray, et al	SB 46-Schaefer
SB 20-Days and Smith	SB 47-Scott
SB 21-Days, et al	SB 49-Scott
SB 22-Days and Bray	SB 50-Bray
SB 23-Callahan	SB 51-Bray
SB 24-Callahan	SB 52-Bray
SB 25-Callahan	SB 53-Days
SB 26-Ridgeway	SB 54-Days
SB 27-Ridgeway	SB 55-Days



SB 56-Callahan	SB 100-Schaefer
SB 57-Stouffer	SB 101-Green
SB 58-Stouffer	SB 102-Green
SB 59-Stouffer	SB 103-Green
SB 60-Wilson	SB 104-Justus, et al
SB 61-Wilson	SB 105-Justus, et al
SB 62-Wilson	SB 106-Justus
SB 63-Rupp and Smith	SB 107-Green
SB 64-Rupp	SB 108-Justus
SB 65-Rupp	SB 109-Justus, et al
SB 66-Scott	SB 110-Crowell
SB 67-Scott	SB 111-Crowell
SB 68-Bray	SB 112-Crowell
SB 69-Bray	SB 113-Crowell
SB 70-Bray	SB 114-Crowell
SB 71-Stouffer	SB 115-Bray
SB 72-Stouffer	SB 116-Bray
SB 73-Stouffer	SB 117-Green
SB 74-Wilson	SB 118-Griesheimer
SB 75-Wilson	SB 119-Griesheimer
SB 76-Wilson	SB 120-Bray
SB 77-Stouffer	SB 121-Purgason
SB 78-Wilson	SB 122-Griesheimer
SB 79-Wilson	SB 123-Griesheimer
SB 80-Wilson	SB 124-Bray
SB 81-Wilson	SB 125-Bray
SB 82-Wilson	SB 126-Rupp
SB 83-Wilson	SB 127-Rupp
SB 84-Purgason	SB 128-Rupp
SB 85-Crowell	SB 129-McKenna, et al
SB 86-Crowell	SB 130-McKenna, et al
SB 87-Crowell	SB 131-Smith
SB 88-Stouffer	SB 132-Smith
SB 89-Stouffer	SB 133-Smith
SB 90-Stouffer	SB 134-Dempsey
SB 91-Green, et al	SB 135-Dempsey
SB 92-Green, et al	SB 136-Rupp and Smith
SB 93-Green	SB 137-Rupp
SB 94-Justus, et al	SB 138-Smith
SB 95-Justus	SB 139-Mayer
SB 96-Justus, et al	SB 140-Smith
SB 97-Smith	SB 141-Smith
SB 98-Smith	SB 142-Bartle
SB 99-Cunningham	SB 143-Mayer

SB 144-Wright-Jones	SB 187-Vogel
SB 145-Wright-Jones	SB 188-Dempsey, et al
SB 146-Dempsey	SB 189-Shields
SB 147-Dempsey	SB 190-Shoemyer
SB 148-Dempsey	SB 191-Shoemyer
SB 149-Dempsey	SB 192-Shoemyer
SB 150-Griesheimer	SB 193-Shoemyer
SB 151-Clemens	SB 194-Shoemyer
SB 152-Clemens	SB 195-Shoemyer
SB 153-Clemens	SB 196-Shoemyer
SB 154-Goodman	SB 197-Goodman
SB 155-Goodman	SB 198-McKenna
SB 156-Goodman	SB 199-McKenna
SB 157-Schmitt	SB 200-Cunningham
SB 158-Clemens	SB 201-Cunningham
SB 159-Clemens	SB 202-Schaefer
SB 160-Crowell	SB 203-Justus
SB 161-Crowell	SB 204-Goodman, et al
SB 162-Crowell	SB 205-Shoemyer
SB 163-Justus	SB 206-Shoemyer
SB 164-Justus	SB 207-Rupp
SB 165-Justus	SB 208-Rupp
SB 166-Justus	SB 209-Clemens
SB 167-Rupp	SB 210-Lembke and Cunningham
SB 168-Shoemyer	SB 211-Lembke
SB 169-Shoemyer	SB 212-Griesheimer
SB 170-Shoemyer	SB 213-Scott
SB 171-Griesheimer	SB 214-Scott
SB 172-Green	SB 215-Shields
SB 173-Green	SB 216-Scott
SB 174-Griesheimer	SB 217-Goodman
SB 175-Schmitt	SJR 1-Bartle
SB 176-Stouffer	SJR 2-Bartle
SB 177-Stouffer	SJR 3-Crowell
SB 178-Stouffer	SJR 4-Cunningham
SB 179-Wright-Jones	SJR 5-Schmitt
SB 180-Bartle	SJR 6-Lager
SB 181-Bartle	SJR 7-Rupp
SB 182-Bartle	SJR 8-Shoemyer and Purgason
SB 183-Bartle	SJR 9-Lembke and Cunningham
SB 184-Bartle	SJR 10-Lembke
SB 185-Bray	SJR 11-Lembke
SB 186-Bray	SJR 12-Scott

INFORMAL CALENDAR

RESOLUTIONS

SR 86-Shields

To be Referred

SCR 10-Rupp

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# Journal of the Senate

FIRST REGULAR SESSION

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NINTH DAY—THURSDAY, JANUARY 22, 2009

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Two are better than one, because they have a good return for their work: If one falls down, his friend can help him up. But pity the man who falls and has no one to help him up!” (Ecclesiastes 4:9-10)

Gracious God, as we return this day to those we love help us to be mindful of the blessing they are to us. They help us when we are down to see the joy that is right there next to us. They help us be aware of the beauty in the world and people about us. They encourage us to always do the right thing and comfort us when difficulties arise for us. We pray for Your blessing on our loved ones for truly they are a blessing to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senators

Mayer            McKenna—2

Vacancies—None

The Lieutenant Governor was present.

### **RESOLUTIONS**

Senator Cunningham offered Senate Resolution No. 88, regarding the late William B. Moorkamp, Jr., D.D.S., Ballwin, which was adopted.

Senator Cunningham offered Senate Resolution No. 89, regarding the new Government Center, Maryland Heights, which was adopted.

Senator Crowell offered Senate Resolution No. 90, regarding Neal Edwards, which was adopted.

Senator Crowell offered Senate Resolution No. 91, regarding Servpro of Cape Girardeau and Scott Counties, which was adopted.

Senators Engler and Crowell offered Senate Resolution No. 92, regarding Elvin Sikes, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 93, regarding Jones Drug Store, Inc., which was adopted.

Senator Crowell offered Senate Resolution No. 94, regarding the Overhead Door Company of Southeast Missouri, which was adopted.

Senator Crowell offered Senate Resolution No. 95, regarding Busey Truck Equipment, Inc., Jackson, which was adopted.

Senator Barnitz offered Senate Resolution No. 96, regarding Norman J. De Leo, D.D.S., Cuba, which was adopted.

Senator Crowell offered Senate Resolution No. 97, regarding Kelly Florian, Cape Girardeau, which was adopted.

Senator Shoemyer offered Senate Resolution No. 98, regarding Gail Jarboe, Bowling Green, which was adopted.

Senator Shoemyer offered Senate Resolution No. 99, regarding Nancy Lee Entwistle, Kirksville, which was adopted.

Senator Shoemyer offered Senate Resolution No. 100, regarding James E. "Jim" Thompson, New London, which was adopted.

Senator Shoemyer offered Senate Resolution No. 101, regarding Sheila Foster, Hannibal, which was adopted.

Senator Bartle offered the following resolution:

#### **SENATE RESOLUTION NO. 102**

#### **NOTICE OF PROPOSED RULE CHANGE**

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that Senate Rule 96 be amended to read as follows:

“Rule 96. 1. Laptop computers may be used [by the press at the press table and by the research staff at the research table] in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. **If a senator is engaged in debate or discussion, he or she shall close the screen of his or her laptop computer completely during the period of debate or discussion.** No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.”.

President Pro Tem Shields referred the above resolution to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 103

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate and House Chambers for beneficial purposes; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on the morning of Monday, March 16, 2009.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 103** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 103** was adopted.

Senator Shields moved that **SR 86** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SR 86** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Clemens	Mayer	McKenna—3
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Vacancies—None

Senator Bray offered the following resolution:

SENATE RESOLUTION NO. 104

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2009, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly, hereby grant the adult leaders and participants of Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session from 9:00 am to 12:30 pm on June 24, 2009.

Senator Bray requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 104** up for adoption, which request was granted.

On motion of Senator Bray, **SR 104** was adopted.

**COMMITTEE APPOINTMENTS**

President Pro Tem Shields submitted the following:

**Committee Assignments  
95th General Assembly  
First Regular Session  
January 22, 2009**

**Committee on Agriculture, Food Production and Outdoor Resources:**

Chairman Senator Clemens, Vice Chairman Senator Stouffer, Senators Mayer, Purgason, Barnitz and Shoemyer.

**Committee on Appropriations:**

Chairman Senator Nodler, Vice Chairman Senator Mayer, Senators Dempsey, Pearce, Purgason, Rupp, Schaefer, Barnitz, Bray, Green and Wilson.

**Committee on Commerce, Consumer Protection, Energy and the Environment:**

Chairman Senator Lager, Vice Chairman Senator Schaefer, Senators Bartle, Dempsey, Griesheimer, Lembke, Ridgeway, Bray, Green and Justus.

**Committee on Education:**

Chairman Senator Mayer, Vice Chairman Senator Pearce, Senators Champion, Nodler, Rupp, Schaefer, Barnitz, Days and Wilson.

**Committee on Financial and Governmental Organizations and Elections:**

Chairman Senator Scott, Vice Chairman Senator Cunningham, Senators Bartle, Crowell, Lembke, Pearce, Ridgeway, Justus, Smith and Wright-Jones.

**Committee on General Laws:**

Chairman Senator Goodman, Vice Chairman Senator Rupp, Senators Clemens, Scott, Vogel, McKenna and Wilson.

**Committee on Governmental Accountability and Fiscal Oversight:**

Chairman Senator Purgason, Vice Chairman Senator Lembke, Senators Lager, Schaefer, Stouffer, Days and Shoemyer.

**Committee on Health, Mental Health, Seniors and Families:**

Chairman Senator Champion, Vice Chairman Senator Schmitt, Senators Cunningham, Dempsey, Stouffer, Justus, Smith and Wilson.

**Committee on Jobs, Economic Development and Local Government:**

Chairman Senator Griesheimer, Vice Chairman Senator Dempsey, Senators Goodman, Lembke, Pearce, Ridgeway, Schmitt, Callahan, McKenna and Shoemyer.

**Committee on the Judiciary and Civil and Criminal Jurisprudence:**

Chairman Senator Bartle, Vice Chairman Senator Goodman, Senators Cunningham, Mayer, Schaefer, Justus and Smith.

**Committee on Progress and Development:**

Chairman Senator Callahan, Vice Chairman Senator Justus, Senators Crowell, Lager and Shoemyer.

**Committee on Small Business, Insurance and Industry:**

Chairman Senator Rupp, Vice Chairman Senator Ridgeway, Senators Clemens, Crowell, Goodman, Vogel, Bray, Callahan and Green.

**Committee on Transportation:**

Chairman Senator Stouffer, Vice Chairman Senator Griesheimer, Senators Clemens, Cunningham, Scott, Vogel, Barnitz, Bray, Days and McKenna.

**Committee on Veterans' Affairs, Pensions and Urban Affairs:**

Chairman Senator Crowell, Vice Chairman Senator Schmitt, Senators Cunningham, Pearce, Smith and Wright-Jones.

**Committee on Ways and Means:**

Chairman Senator Vogel, Vice Chairman Senator Lembke, Senators Bartle, Lager, Purgason, Schmitt, Bray and Barnitz.

**COMMUNICATIONS**

President Pro Tem Shields submitted the following:



**SENATE HEARING SCHEDULE**  
**95th GENERAL ASSEMBLY**  
**FIRST REGULAR SESSION**  
**JANUARY 22, 2009**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Nodler)	Appropriations SCR 2 (Nodler)  Transportation SCR 1 (Stouffer)	
8:15 a.m.		Health, Mental Health, Seniors and Families SCR 1 (Champion)		
8:30 a.m.			Gubernatorial Appointments SL (Shields)	Governmental Accountability and Fiscal Oversight SCR 1 (Purgason)  Veterans' Affairs, Pensions and Urban Affairs SL (Crowell)
12:30 p.m.	Appropriations SCR 2 (Nodler)			
1:00 p.m.		Small Business, Insurance and Industry SCR 1 (Rupp)  Rules, Joint Rules, Resolutions and Ethics SL (Engler)	Jobs, Economic Development and Local Government SL (Griesheimer)  Agriculture, Food Production and Outdoor Resources SCR 1 (Clemens)	
2:00 p.m.			Progress and Development SCR 2 (Callahan)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Scott)			
3:00 p.m.		Commerce, Consumer Protection, Energy and the Environment SL (Lager)  General Laws SCR 1 (Goodman)	Education SL (Mayer)  Ways and Means SCR 1 (Vogel)	
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Bartle)			

## **CONCURRENT RESOLUTIONS**

Senators Bartle, Pearce, Scott, Griesheimer, Cunningham, Lembke, Clemens, Vogel, Mayer, Shoemyer, Nodler, Purgason, Barnitz, Dempsey, Lager, Goodman, Ridgeway, Champion, Stouffer, Rupp and Engler offered the following concurrent resolution:

### **SENATE CONCURRENT RESOLUTION NO. 11**

WHEREAS, the 111th United States Congress is considering the “Freedom of Choice Act”, which purports to classify abortion as a “fundamental right”, equal in stature to the right of free speech and the right to vote - rights that, unlike abortion, are specifically enumerated in the United States Constitution; and

WHEREAS, the federal “Freedom of Choice Act” would invalidate any “statute, ordinance, regulation, administrative order, decision, policy, practice, or other action” of any federal, state, or local government or governmental office, or any person acting under governmental authority, that would “deny or interfere with a woman's right to choose” abortion, or that would “discriminate against the exercise of the right... in the regulation or provision of benefits, facilities, services, or information”; and

WHEREAS, the federal “Freedom of Choice Act” would nullify any federal or state law “enacted, adopted, or implemented before, on, or after the date of its enactment” and would effectively prevent the State of Missouri from enacting similar protective measures in the future; and

WHEREAS, the federal “Freedom of Choice Act” would invalidate more than 550 federal and state abortion-related laws, laws supported by the majority of the American public; and

WHEREAS, the federal “Freedom of Choice Act” would specifically invalidate the following common-sense, protective laws properly enacted by the State of Missouri:

- a parental consent law for minors seeking an abortion;
- a prohibition on government funding or use of public facilities for abortions;
- health and safety regulation for abortion facilities;
- a twenty-four-hour waiting period and informed consent law that provides an opportunity to consider the gravity of a decision to abort a child;
- a partial-birth abortion ban (“Infant's Protection Act”);
- a requirement that only physicians can perform or induce abortions and that such physicians maintain medical malpractice insurance;
- conscience protections for doctors and hospitals not wanting to perform or induce abortions;
- a prohibition on performing or inducing abortions in order to use fetal organs or tissue for transplantation or experimentation;
- licensing of most abortion clinics as ambulatory surgical centers to ensure basic health and safety of patients; and
- alternatives to abortion programs to encourage and support women who do not want abortions; and

WHEREAS, the federal “Freedom of Choice Act” will not make abortion safe or rare, but will instead actively promote and subsidize abortion with state and federal tax dollars and do nothing to ensure its safety; and

WHEREAS, the federal “Freedom of Choice Act” will protect and promote the abortion industry, endanger women and their health; promote a political ideology of unregulated abortion-on-demand, and silence the voices of Americans who want to engage in a meaningful public discussion and debate over the availability, safety, and even desirability of abortion:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, strongly oppose the federal “Freedom of Choice Act” and urge the United States Congress to summarily reject it; and

BE IT FURTHER RESOLVED that the Missouri General Assembly strongly opposes the federal “Freedom of Choice Act” because it seeks to circumvent the States' general legislative authority as guaranteed by the 10th Amendment to the United States Constitution; and

BE IT FURTHER RESOLVED that the Missouri General Assembly strongly opposes the federal “Freedom of Choice Act” because it seeks to undermine the right and responsibility of the states and the people to debate, vote on, and determine abortion policy; and

BE IT FURTHER RESOLVED that the Missouri General Assembly strongly opposes the federal “Freedom of Choice Act” because the protection of women's health through state regulations on abortion is a compelling state interest that should not be nullified by Congress; and

BE IT FURTHER RESOLVED that the Missouri General Assembly strongly opposes the federal “Freedom of Choice Act” because its enactment would nullify laws in the State of Missouri that the general assembly and the people of Missouri strongly support; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each member of Missouri's congressional delegation, the President of the United States, the Majority Leader and the Minority Leader of the United States Senate, the Speaker and the Minority Leader of the United States House of Representatives, the Clerk of the United States House of Representatives, and the Secretary of the United States Senate with a request that the resolution be printed in the Congressional Record.

Senator Bray offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 12

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

“Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.”; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, that the Equal Rights Amendment to the United States Constitution is hereby ratified; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional Delegation with request that it be printed in the Congressional Record.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 218**—By Ridgeway.

An Act to repeal section 211.447, 211.462, and 211.477, RSMo, and to enact in lieu thereof five new sections relating to jury trials in termination of parental rights proceedings.

**SB 219**—By Ridgeway.

An Act to repeal section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in

lieu thereof one new section relating to continuous alcohol monitoring.

**SB 220**—By Goodman.

An Act to amend chapter 320, RSMo, by adding thereto nine new sections relating to reduced ignition propensity cigarettes, with penalty provisions and an effective date.

**SB 221**—By Goodman.

An Act to repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to resisting arrest, with penalty provisions.

**SB 222**—By Goodman.

An Act to repeal sections 210.841, 452.305, 452.310, 452.312, 452.343, 454.500, 454.905, and 454.951, RSMo, and to enact in lieu thereof seven new sections relating to the use and disclosure of personal identification information in certain documents.

**SB 223**—By Goodman.

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented businesses, with penalty provisions.

**SB 224**—By Goodman.

An Act to repeal sections 351.085, 351.106, and 355.576, RSMo, and to enact in lieu thereof three new sections relating to articles of incorporation.

**SB 225**—By Goodman.

An Act to repeal section 532.480, RSMo, and to enact in lieu thereof one new section relating to release on bail.

**SB 226**—By Bartle.

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented businesses, with penalty provisions.

**SB 227**—By Dempsey.

An Act to repeal section 578.023, RSMo, and to enact in lieu thereof one new section relating to dangerous wild animals, with penalty provisions.

**SB 228**—By Scott, Barnitz, Shoemyer, Vogel, Griesheimer, Green and Engler.

An Act to repeal section 393.135, RSMo, and to enact in lieu thereof sixteen new sections relating to clean energy generation.

**SB 229**—By Bray.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to the posting of nurse staffing levels at hospitals.

**SB 230**—By Bray.

An Act to amend chapter 445, RSMo, by adding thereto seventy-six new sections relating to the uniform

planned community act.

**SB 231**—By Cunningham.

An Act to repeal section 535.040, RSMo, and to enact in lieu thereof one new section relating to landlord-tenant actions.

**SB 232**—By Cunningham.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to education requirements for public employees.

**SB 233**—By Cunningham.

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to teacher certification.

**SB 234**—By Cunningham.

An Act to repeal sections 168.110 and 168.126, RSMo, and to enact in lieu thereof two new sections relating to teacher salaries.

**SB 235**—By Cunningham.

An Act to repeal sections 137.115, 144.044, 301.650, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 436.350, 441.005, 442.010, 443.803, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.375, 700.525, 700.600, 700.630, and 700.650, RSMo, and to enact in lieu thereof twenty-nine new sections relating to manufactured homes, with penalty provisions.

**SB 236**—By Lembke.

An Act to repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to the payment of health insurance claims.

**SB 237**—By Lembke.

An Act to amend chapter 335, RSMo, by adding thereto twelve new sections relating to the nurse licensure compact.

Senator Griesheimer assumed the Chair.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

January 21, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John M. Britt, 2158 Englewood Terrace, Chesterfield, St. Louis County, Missouri 63017, as Director of the Department of Public Safety, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

January 21, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Margaret T. Donnelly, 68 Lake Forest Drive, St. Louis, St. Louis County, Missouri 63117, as Director of the Department of Health and Senior Services, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

January 21, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ronald J. Levy, 21 Claremont Lane, St. Louis, St. Louis City, Missouri 63124, as Director of the Department of Social Services, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully Submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

January 21, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

George A. Lombardi, 1922 Whitney Woods, Jefferson City, Cole County, Missouri 65101, as Director of the Department of Corrections, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

January 21, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lawrence G. Rebman, 6015 McGee St., Kansas City, Jackson County, Missouri 64113, as Director of the Department of Labor and Industrial Relations, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

### REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Kelvin L. Simmons, as Commissioner of the Office of Administration;

Also,

Karen King Mitchell, as Director of the Department of Revenue;

Also,

Stephen L. Danner, as Adjutant General of the Missouri National Guard.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

### COMMITTEE APPOINTMENTS

President Pro Tem Shields submitted the following pursuant to **HCR 10**:

January 22, 2009

Ms. Terry Spieler  
Secretary of the Senate  
Room 325, State Capitol  
Jefferson City, MO 65101

Dear Ms. Spieler,

I have appointed the following Senators to serve as the Senate Escort Committee for the State of the State address:

Senator Bray  
Senator Callahan  
Senator Days  
Senator Dempsey  
Senator Engler  
Senator Goodman

Senator Green  
Senator Scott  
Senator Stouffer  
Senator Shields

Sincerely,  
/s/ Charlie  
Charles W. Shields

President Pro Tem Shields submitted the following pursuant to **HCR 11**:

January 22, 2009

Ms. Terry Spieler  
Secretary of the Senate  
Room 325, State Capitol  
Jefferson City, MO 65101

Dear Ms. Spieler,

I have appointed the following Senators to serve as the Senate Escort Committee for the State of the Judiciary Address:

Senator Bartle  
Senator Callahan  
Senator Cunningham  
Senator Days  
Senator Justus  
Senator Lembke  
Senator Mayer  
Senator Schaefer  
Senator Schmitt  
Senator Smith

Sincerely,  
/s/ Charlie  
Charles W. Shields

## **REFERRALS**

President Pro Tem Shields referred **SCR 10** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

- SB 1**—Small Business, Insurance and Industry.
- SB 2**—Judiciary and Civil and Criminal Jurisprudence.
- SB 3**—Judiciary and Civil and Criminal Jurisprudence.



- SB 4**—Health, Mental Health, Seniors and Families.
- SB 5**—Jobs, Economic Development and Local Government.
- SB 6**—Jobs, Economic Development and Local Government.
- SB 7**—Jobs, Economic Development and Local Government.
- SB 8**—Judiciary and Civil and Criminal Jurisprudence.
- SB 9**—Health, Mental Health, Seniors and Families.
- SB 10**—Agriculture, Food Production and Outdoor Resources.
- SB 11**—Agriculture, Food Production and Outdoor Resources.
- SB 12**—Education.
- SB 13**—Transportation.
- SB 14**—Financial and Governmental Organizations and Elections.
- SB 15**—General Laws.
- SB 16**—Small Business, Insurance and Industry.
- SB 17**—Progress and Development.
- SB 18**—Progress and Development.
- SB 19**—Ways and Means.
- SB 20**—Financial and Governmental Organizations and Elections.
- SB 21**—Financial and Governmental Organizations and Elections.
- SB 22**—Financial and Governmental Organizations and Elections.
- SB 23**—Education.
- SB 24**—Education.
- SB 25**—Education.
- SB 26**—General Laws.
- SB 27**—General Laws.
- SB 28**—Veterans’ Affairs, Pensions and Urban Affairs.
- SB 29**—Agriculture, Food Production and Outdoor Resources.
- SB 30**—Transportation.
- SB 31**—Transportation.
- SB 32**—Ways and Means.
- SB 33**—Education.
- SB 34**—Health, Mental Health, Seniors and Families.
- SB 35**—Financial and Governmental Organizations and Elections.

- SB 36**—Judiciary and Civil and Criminal Jurisprudence.
- SB 37**—General Laws.
- SB 38**—Jobs, Economic Development and Local Government.
- SB 39**—Judiciary and Civil and Criminal Jurisprudence.
- SB 40**—Education.
- SB 41**—Education.
- SB 42**—Education.
- SB 43**—Commerce, Consumer Protection, Energy and the Environment.
- SB 44**—Jobs, Economic Development and Local Government.
- SB 45**—Jobs, Economic Development and Local Government.
- SB 46**—Judiciary and Civil and Criminal Jurisprudence.
- SB 47**—General Laws.
- SB 49**—Ways and Means.
- SB 50**—Progress and Development.
- SB 51**—Education.
- SB 52**—Judiciary and Civil and Criminal Jurisprudence.
- SB 53**—General Laws.
- SB 54**—Judiciary and Civil and Criminal Jurisprudence.
- SB 55**—Education.
- SB 56**—Education.
- SB 57**—Transportation.
- SB 58**—Transportation.
- SB 59**—Transportation.
- SB 60**—Education.
- SB 61**—Health, Mental Health, Seniors and Families.
- SB 62**—General Laws.
- SB 63**—General Laws.
- SB 64**—Education.
- SB 65**—Commerce, Consumer Protection, Energy and the Environment.
- SB 66**—Financial and Governmental Organizations and Elections.
- SB 67**—Jobs, Economic Development and Local Government.
- SB 68**—Progress and Development.

- SB 69**—Small Business, Insurance and Industry.
- SB 70**—Financial and Governmental Organizations and Elections.
- SB 71**—Governmental Accountability and Fiscal Oversight.
- SB 72**—Health, Mental Health, Seniors and Families.
- SB 73**—Progress and Development.
- SB 74**—Governmental Accountability and Fiscal Oversight.
- SB 75**—Governmental Accountability and Fiscal Oversight.
- SB 76**—Education.
- SB 77**—Health, Mental Health, Seniors and Families.
- SB 78**—Education.
- SB 79**—Education.
- SB 80**—Jobs, Economic Development and Local Government.
- SB 81**—Judiciary and Civil and Criminal Jurisprudence.
- SB 82**—Judiciary and Civil and Criminal Jurisprudence.
- SB 83**—General Laws.
- SB 84**—Transportation.
- SB 85**—Governmental Accountability and Fiscal Oversight.
- SB 86**—Progress and Development.
- SB 87**—Ways and Means.
- SB 88**—Transportation.
- SB 89**—Health, Mental Health, Seniors and Families.
- SB 90**—Health, Mental Health, Seniors and Families.
- SB 91**—Financial and Governmental Organizations and Elections.
- SB 92**—Financial and Governmental Organizations and Elections.
- SB 93**—Transportation.
- SB 94**—Education.
- SB 95**—Financial and Governmental Organizations and Elections.
- SB 96**—Health, Mental Health, Seniors and Families.
- SB 97**—Education.
- SB 98**—Governmental Accountability and Fiscal Oversight.
- SB 99**—Ways and Means.
- SB 100**—Transportation.

- SB 101**—Health, Mental Health, Seniors and Families.
- SB 102**—Jobs, Economic Development and Local Government.
- SB 103**—Governmental Accountability and Fiscal Oversight.
- SB 104**—Health, Mental Health, Seniors and Families.
- SB 105**—Governmental Accountability and Fiscal Oversight.
- SB 106**—Financial and Governmental Organizations and Elections.
- SB 107**—Governmental Accountability and Fiscal Oversight.
- SB 108**—Progress and Development.
- SB 109**—Progress and Development.
- SB 110**—Transportation.
- SB 111**—Ways and Means.
- SB 112**—Judiciary and Civil and Criminal Jurisprudence.
- SB 113**—Ways and Means.
- SB 114**—Transportation.
- SB 115**—Financial and Governmental Organizations and Elections.
- SB 116**—Education.
- SB 117**—Education.
- SB 118**—Agriculture, Food Production and Outdoor Resources.
- SB 119**—Commerce, Consumer Protection, Energy and the Environment.
- SB 120**—Health, Mental Health, Seniors and Families.
- SB 121**—Governmental Accountability and Fiscal Oversight.
- SB 122**—Jobs, Economic Development and Local Government.
- SB 123**—Jobs, Economic Development and Local Government.
- SB 124**—Transportation.
- SB 125**—Transportation.
- SB 126**—Small Business, Insurance and Industry.
- SB 127**—General Laws.
- SB 128**—Transportation.
- SB 129**—Transportation.
- SB 130**—Transportation.
- SB 131**—Jobs, Economic Development and Local Government.
- SB 132**—Education.

**SB 133**—Education.

**SB 134**—Transportation.

**SB 135**—Education.

**SB 136**—Jobs, Economic Development and Local Government.

**SB 137**—Health, Mental Health, Seniors and Families.

**SB 138**—Governmental Accountability and Fiscal Oversight.

**SB 139**—Education.

**SB 140**—Judiciary and Civil and Criminal Jurisprudence.

**SB 141**—General Laws.

**SB 142**—Governmental Accountability and Fiscal Oversight.

**SB 143**—Agriculture, Food Production and Outdoor Resources.

**SB 144**—Health, Mental Health, Seniors and Families.

**SB 145**—Financial and Governmental Organizations and Elections.

**SB 146**—Governmental Accountability and Fiscal Oversight.

**SB 147**—Health, Mental Health, Seniors and Families.

**SB 148**—Governmental Accountability and Fiscal Oversight.

**SB 149**—Health, Mental Health, Seniors and Families.

**SB 150**—Veterans' Affairs, Pensions and Urban Affairs.

### **RE-REFERRALS**

President Pro Tem Shields re-referred **SB 1** to the Committee on Financial and Governmental Organizations and Elections.

### **RESOLUTIONS**

Senator Griesheimer offered Senate Resolution No. 105, regarding Michael David Robert Jennemann, which was adopted.

Senator Ridgeway offered Senate Resolution No. 106, regarding Cody William Cash, which was adopted.

Senator Ridgeway offered Senate Resolution No. 107, regarding Sean Patrick Keenan, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 108, regarding Bryan Lloyd Otte, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 109, regarding Ryan Michael Curtis, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 110, regarding Jordon A. Cook, which was adopted.

Senator Ridgeway offered Senate Resolution No. 111, regarding Matthew Donald “Matt” Shuman, Kansas City, which was adopted.

Senator Days offered Senate Resolution No. 112, regarding Ardell Henderson, Jr., Berkeley, which was adopted.

Senator Days offered Senate Resolution No. 113, regarding the Fiftieth Birthday of Venus McGhaw, Berkeley, which was adopted.

Senator Schaefer offered Senate Resolution No. 114, regarding Jennifer Rawson, Ashland, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Griesheimer introduced to the Senate, Roman and Linda Marquart, Washington.

Senator Nodler introduced to the Senate, Villa and Gary Waltz and Shelton Solum, Ben Sisseck, Caroline Waldbuesser, Steven Chartier, Chelsea Smith, Laura Myers, Shelby Carnes, Elizabeth Housh, Kayla Whitemyer, Cheyenne Tilley, Darren Adams, Ryan Rector, Morgan Faubion, Travis Ball, Caleb Russell, Matt McDowell, Andrew Chartier, Shaun Athey and Daniel Sprenkle, students from Jasper High School participating in the Creating Civic Leaders program.

Senator Shields introduced to the Senate, Ann Turner, Sedalia.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, January 26, 2009.

### **SENATE CALENDAR**

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TENTH DAY—MONDAY, JANUARY 26, 2009

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### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 151-Clemens	SB 166-Justus
SB 152-Clemens	SB 167-Rupp
SB 153-Clemens	SB 168-Shoemyer
SB 154-Goodman	SB 169-Shoemyer and Engler
SB 155-Goodman	SB 170-Shoemyer
SB 156-Goodman	SB 171-Griesheimer
SB 157-Schmitt	SB 172-Green
SB 158-Clemens	SB 173-Green
SB 159-Clemens	SB 174-Griesheimer
SB 160-Crowell	SB 175-Schmitt
SB 161-Crowell	SB 176-Stouffer
SB 162-Crowell	SB 177-Stouffer
SB 163-Justus	SB 178-Stouffer
SB 164-Justus	SB 179-Wright-Jones
SB 165-Justus	SB 180-Bartle

SB 181-Bartle	SB 216-Scott
SB 182-Bartle	SB 217-Goodman
SB 183-Bartle	SB 218-Ridgeway
SB 184-Bartle	SB 219-Ridgeway
SB 185-Bray	SB 220-Goodman
SB 186-Bray	SB 221-Goodman
SB 187-Vogel	SB 222-Goodman
SB 188-Dempsey, et al	SB 223-Goodman
SB 189-Shields	SB 224-Goodman
SB 190-Shoemyer	SB 225-Goodman
SB 191-Shoemyer	SB 226-Bartle
SB 192-Shoemyer	SB 227-Dempsey
SB 193-Shoemyer	SB 228-Scott, et al
SB 194-Shoemyer	SB 229-Bray
SB 195-Shoemyer	SB 230-Bray
SB 196-Shoemyer	SB 231-Cunningham
SB 197-Goodman	SB 232-Cunningham
SB 198-McKenna	SB 233-Cunningham
SB 199-McKenna	SB 234-Cunningham
SB 200-Cunningham	SB 235-Cunningham
SB 201-Cunningham	SB 236-Lembke
SB 202-Schaefer	SB 237-Lembke
SB 203-Justus	SJR 1-Bartle
SB 204-Goodman, et al	SJR 2-Bartle
SB 205-Shoemyer	SJR 3-Crowell
SB 206-Shoemyer	SJR 4-Cunningham
SB 207-Rupp	SJR 5-Schmitt
SB 208-Rupp	SJR 6-Lager
SB 209-Clemens	SJR 7-Rupp
SB 210-Lembke and Cunningham	SJR 8-Shoemyer and Purgason
SB 211-Lembke	SJR 9-Lembke and Cunningham
SB 212-Griesheimer	SJR 10-Lembke
SB 213-Scott	SJR 11-Lembke
SB 214-Scott	SJR 12-Scott
SB 215-Shields	

## INFORMAL CALENDAR

## RESOLUTIONS

## To be Referred

SCR 11-Bartle, et al

SCR 12-Bray

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# Journal of the Senate

FIRST REGULAR SESSION

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**TENTH DAY—MONDAY, JANUARY 26, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord will keep your going out and your coming in from this time forth and for evermore.” (Psalm 121:8)

Gracious God, we give You thanks that You watched over us and brought us safely to our destination so we may do the work You require of us. As we face the challenges of this week be in our midst and let Your steadfast love guide us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 22, 2009 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Scott offered Senate Resolution No. 115, regarding A.M. Pyrotechnics, LLC, Buffalo, which was adopted.

Senator Bartle offered Senate Resolution No. 116, regarding Acceleration, LLC, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 117, regarding QM Power, Incorporated, Greenwood, which was adopted.

Senator Nodler offered Senate Resolution No. 118, regarding Wildwood Ranch Development, Incorporated, Joplin, which was adopted.

Senator Shields offered Senate Resolution No. 119, regarding Andy R. DeShon, Saint Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 120, regarding DT Search and Designs, LLC, Saint Joseph, which was adopted.

Senator Mayer offered Senate Resolution No. 121, regarding The UPS Store, Poplar Bluff, which was adopted.

Senator Scott offered Senate Resolution No. 122, regarding Ronald H. "Ron" Meyer, Columbia, which was adopted.

Senator Justus offered Senate Resolution No. 123, regarding TWS Technical Services, LLC, Kansas City, which was adopted.

Senator Shoemyer offered Senate Resolution No. 124, regarding Anthony Kottwitz, Unionville, which was adopted.

Senator Ridgeway offered Senate Resolution No. 125, regarding Timothy Zachariah "Zach" Hannon, Gladstone, which was adopted.

Senator Bray offered Senate Resolution No. 126, regarding the Ninety-fourth Birthday of Martha E. Bickel, Richmond Heights, which was adopted.

Senator Schmitt offered Senate Resolution No. 127, regarding Richard Black, Glendale, which was adopted.

Senator Dempsey offered Senate Resolution No. 128, regarding Keith Hazelwood, St. Charles County, which was adopted.

Senator Dempsey offered Senate Resolution No. 129, regarding Dr. Ashley Goodrich, which was adopted.

Senator Dempsey offered Senate Resolution No. 130, regarding Anita Hockett, which was adopted.

Senator Dempsey offered Senate Resolution No. 131, regarding Robert L. "Bob" Scott, which was adopted.

Senator Dempsey offered Senate Resolution No. 132, regarding Dorothy Boshears, which was adopted.

Senator Schaefer offered Senate Resolution No. 133, regarding the Research Center for Human-Animal

Interaction of Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 134, regarding Nanoparticle Biochem, Incorporated, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 135, regarding Enginet Technologies, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 136, regarding Producer's Choice Soy Energy, LLC, Moberly, which was adopted.

Senator Lager offered Senate Resolution No. 137, regarding Jamie Leanne Slaten, Clearmont, which was adopted.

Senator Champion offered Senate Resolution No. 138, regarding Transport Graphics, Inc., Springfield, which was adopted.

Senator Engler offered the following resolution:

SENATE RESOLUTION NO. 139  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from St. Francois County of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that Senate Rule 64 be amended to read as follows:

"Rule 64. A substitute for the text of a bill is not in order until all pending amendments thereto have been disposed of. A substitute bill for an original bill or for a committee substitute shall take the form of an original bill and be subject to floor amendments, except that it shall not be subject to amendment by a further floor substitute. **No floor substitute may be taken up for consideration by the senate unless the substitute bill shall have been distributed to the members of the senate at least one legislative day prior to consideration by the senate.** No further amendments or substitutes may be entertained after the senate adopts a substitute bill."

Senator Engler offered the following resolution:

SENATE RESOLUTION NO. 140  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from St. Francois County of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that Senate Rule 29 be amended to read as follows:

"Rule 29. 1. Senate offices [and seats in the senate chamber] shall be assigned by the committee on administration to the majority and minority caucuses. Each caucus shall make office [and senate seat] assignments on the basis of seniority as defined in **subsection 2** of this rule, unless otherwise determined within a caucus, except that Rooms 326 and 327 shall be known as the president pro tem's office and shall be occupied by the senate's president pro tem, **and beginning with the 96th general assembly, Room 319 shall be known as the office of the majority floor leader and shall be occupied by the senate majority floor leader, and Room 333 shall be known as the office of the minority floor leader and shall be occupied by the senate minority floor leader.** Upon retirement from service as pro tem, that senator shall vacate the pro tem's office and shall have first choice of available vacant offices of his **or her** caucus, regardless of [his] seniority status. **Beginning with the 96th general assembly, upon retirement from service as majority floor leader or minority floor leader, that senator shall vacate the designated office space and shall have first choice of available vacant offices of his or her caucus, regardless of seniority status. In the event that the president pro tem and the majority floor leader are vacating their respective offices at the same time, the president pro tem shall have the first choice, with the majority floor leader selecting second, of vacant offices of their caucus.** Except for the outgoing president pro tem, **majority floor leader and minority floor leader** who [is] **are** required to vacate [the designated pro tem's office] **their designated offices**, no senator shall be required to relinquish any office or seat once assigned to him.

2. Seniority shall be determined by each caucus on the basis of length of service. Length of service means:

- (a) Continuous senate service;
- (b) In the case of equal continuous senate service, prior non-continuous senate service;
- (c) In the case of equal continuous and prior non-continuous senate service, prior house service.

3. When two or more members of the same party have the same length of service, their respective seniority shall be determined by their party caucus.

**4. Beginning with the 96th general assembly, senate seat number 26 shall be known as the seat of the president pro tem and shall be occupied by the senate's president pro tem; senate seat number 25 shall be known as the seat of the senate majority floor leader and shall be occupied by the senate majority floor leader; and senate seat number 28 shall be known as the seat of the senate minority floor leader and shall be occupied by the senate minority floor leader.**

**5. Beginning with the 96th general assembly, seats in the senate chamber, other than those described in subsection 4 of this rule, shall be determined by seniority. For purposes of this subsection, seniority shall be determined as follows:**

- (1) Continuous senate service;
- (2) In the case of equal continuous senate service, majority party members shall have seniority over minority party members;
- (3) In the case of equal continuous senate service by members of the same party, prior non-continuous senate service;
- (4) In the case of equal continuous and prior non-continuous senate service by members of the same party, prior house service;
- (5) In the case of equal continuous and equal prior non-continuous senate service and equal prior house service by members of the same party, seniority shall be determined by the caucus of that party.”.

Senator Engler offered the following resolution:

SENATE RESOLUTION NO. 141  
NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that Senate Rule 96 be amended to read as follows:

“Rule 96. 1. Laptop computers may be used [by the press at the press table and by the research staff at the research table] in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. **If a senator is engaged in debate or discussion, he or she shall close the screen of his or her laptop computer completely during the period of debate or discussion.** No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.”.

President Pro Tem Shields referred **SR 141** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Vogel offered Senate Resolution No. 142, regarding PureFlow Technologies, Incorporated, Jefferson City, which was adopted.

Senator Pearce offered Senate Resolution No. 143, regarding InnovaPrep Division of AlburtyLab, Incorporated, Drexel, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Pearce offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 13

WHEREAS, international education is a critical component of higher education in Missouri and contributes to the economy of the state

and to a diverse college environment, enhancing both academic and extra-curricular programs; and

WHEREAS, international education is critical to promoting a broadened worldview and therefore preparing Missourians for life and work in the global economy and creating a diverse academic environment by exchanging scholars and students between countries and building the foundation for future business success; and

WHEREAS, higher education should emphasize international education, including foreign language instruction and study abroad in order to ensure graduates have the cross-cultural skills necessary to function effectively in the global workforce; and

WHEREAS, the Missouri General Assembly recognizes the social importance of cultural awareness, the need to promote study-abroad programs that serve Missouri students and the economic significance of international students who come to Missouri for educational opportunities provided by the state; and

WHEREAS, the net contribution to our state's economy by international students and their families was estimated at over \$237 million in 2007-2008 and a strategy at the state and national level is needed to ensure America's status as a magnet for international students and scholars; and

WHEREAS, the economy of Missouri is inextricably tied to the rest of the world and state economic development depends upon a deliberate strategic development plan that includes recognition of the role of international education in all its facets; and

WHEREAS, heightened cultural awareness is critical to national interests and is a critical component of foreign policy, and Missouri's colleges and universities play a key role in developing foreign language and foreign-area expertise by promoting language study, study abroad, and faculty exchange programs; and

WHEREAS, the United States' national security and economic interests and competitiveness depend significantly on the country's ability to provide future leaders with the best education possible:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, that international education is an essential component of the future of the State of Missouri and the Missouri General Assembly supports and encourages students and faculty to promote international education as a part of curricular and extra-curricular life at the State's colleges and universities to ensure that students and future leaders are prepared to meet the challenges of a global society; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each institution of higher education in this state.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 238**—By Callahan.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to the determination of Missouri adjusted gross income for tax purposes.

**SB 239**—By Bartle and Justus.

An Act to repeal section 476.682, RSMo, and to enact in lieu thereof one new section relating to compensation of senior judges and senior commissioners.

**SB 240**—By Bray.

An Act to amend chapter 389, RSMo, by adding thereto one new section relating to regulation of contract carriers that transport railroad employees, with penalty provisions.

**SB 241**—By Bray.

An Act to repeal sections 143.091, 143.121, 143.225, 143.261, 143.431, 143.451, 143.461, 143.471, 144.010, 144.030, and 144.190, RSMo, and to enact in lieu thereof nine new sections relating to taxation, with an effective date.

**SB 242**—By Pearce.

An Act to repeal section 204.569, RSMo, and to enact in lieu thereof one new section relating to sewer subdistricts.

**SB 243**—By Pearce.

An Act to amend chapter 408, RSMo, by adding thereto one new section relating to the sale of deficiency waiver addendums and other similar products associated with certain loan transactions.

**SB 244**—By Dempsey.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to personal care services for certain disabled adults.

**SB 245**—By Schaefer.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to the notification of data security breaches.

**SB 246**—By Schaefer.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to regional economic development initiatives.

**SB 247**—By Schaefer.

An Act to repeal section 64.170, RSMo, and to enact in lieu thereof one new section relating to county ordinances establishing minimum standards for residential occupancy.

**SB 248**—By Schaefer.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to the imposition of a transient guest tax by certain municipalities.

**SB 249**—By Schaefer.

An Act to repeal sections 28.160, 41.950, 347.179, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, and 356.211, RSMo, and to enact in lieu thereof thirty new sections relating to corporate filings with the secretary of state.

**SB 250**—By Smith.

An Act to amend chapter 217, RSMo, by adding thereto four new sections relating to the stop HIV/AIDS in prison act.

**SB 251**—By Smith.

An Act to repeal sections 130.011, 130.034, and 130.041, RSMo, and to enact in lieu thereof three new sections relating to campaign finance.

**SB 252**—By Smith, Griesheimer and Pearce.

An Act to amend chapter 348, RSMo, by adding thereto two new sections relating to tax credits to encourage equity investments in technology-based early stage Missouri businesses.

**SB 253**—By Justus.

An Act to repeal section 162.492, RSMo, and to enact in lieu thereof one new section relating to elections of school board members.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

January 22, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Susan Eckles to the Missouri Planning Council for Developmental Disabilities, submitted on January 15, 2009. Line 1 and 2 should be amended as follows:

“Susan Eckles, 8650 Delmar Boulevard, Apartment 1E, University City, Saint Louis County, Missouri 63124, as a member of the Missouri Planning Council for Developmental Disabilities,”

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

January 22, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard H. Frueh, Republican, 10 Beacon Hill Lane, Creve Coeur, Saint Louis County, Missouri 63141, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

January 26, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Ronald J. Levy as the Director of the Department of Social Services, submitted on January 21, 2009. Line 1 should be amended as follows:

“Ronald J. Levy, 21 Claremont Lane, Saint Louis, Saint Louis County, Missouri 63124,”

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

January 22, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Patrice O. Mugg, 626 North Geyer Road, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Children's Trust Fund Board, for a term ending September 15, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully Submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

January 22, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kit O. Stahlberg, 416 North Chamber, Apartment B3, Fredericktown, Madison County, Missouri 63645, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully Submitted,

Jeremiah W. (Jay) Nixon

Governor

President Pro Tem Shields referred the above appointments, along with the appointments appearing on pages 164 - 166 of the Senate Journal for Thursday, January 22, 2009, to the Committee on Gubernatorial Appointments.

## REFERRALS

President Pro Tem Shields referred **SCR 11** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 12**— Rules, Joint Rules, Resolutions and Ethics.

## SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 151**—Financial and Governmental Organizations and Elections.

**SB 152**—Education.

**SB 153**—Agriculture, Food Production and Outdoor Resources.

**SB 154**—Jobs, Economic Development and Local Government.

**SB 155**—Governmental Accountability and Fiscal Oversight.

**SB 156**—General Laws.

**SB 157**—Health, Mental Health, Seniors and Families.

**SB 158**—Agriculture, Food Production and Outdoor Resources.

**SB 159**—Judiciary and Civil and Criminal Jurisprudence.

**SB 160**—Judiciary and Civil and Criminal Jurisprudence.

**SB 161**—Veterans’ Affairs, Pensions and Urban Affairs.

**SB 162**—Governmental Accountability and Fiscal Oversight.

**SB 163**—Governmental Accountability and Fiscal Oversight.

**SB 164**—Jobs, Economic Development and Local Government.

**SB 165**—Jobs, Economic Development and Local Government.

**SB 166**—Judiciary and Civil and Criminal Jurisprudence.

**SB 167**—Small Business, Insurance and Industry.

**SB 168**—Jobs, Economic Development and Local Government.

**SB 169**—Small Business, Insurance and Industry.

**SB 170**—Health, Mental Health, Seniors and Families.

**SB 171**—General Laws.

**SB 172**—Commerce, Consumer Protection, Energy and the Environment.

**SB 173**—Governmental Accountability and Fiscal Oversight.

**SB 174**—Ways and Means.

**SB 175**—Education.

**SB 176**—Health, Mental Health, Seniors and Families.

**SB 177**—Transportation.

**SB 178**—Transportation.

**SB 179**—General Laws.

**SB 180**—Judiciary and Civil and Criminal Jurisprudence.

**SB 181**—Judiciary and Civil and Criminal Jurisprudence.

**SB 182**—Education.

**SB 183**—Progress and Development.

**SB 184**—General Laws.

**SB 185**—Commerce, Consumer Protection, Energy and the Environment.



**SB 186**—Agriculture, Food Production and Outdoor Resources.

**SB 187**—Ways and Means.

**SB 188**—Commerce, Consumer Protection, Energy and the Environment.

**SB 189**—General Laws.

**SB 190**—General Laws.

**SB 191**—Ways and Means.

**SB 192**—Judiciary and Civil and Criminal Jurisprudence.

**SB 193**—Jobs, Economic Development and Local Government.

**SB 194**—Agriculture, Food Production and Outdoor Resources.

**SB 195**—Agriculture, Food Production and Outdoor Resources.

**SB 196**—Jobs, Economic Development and Local Government.

**SB 197**—General Laws.

**SB 198**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 199**—Judiciary and Civil and Criminal Jurisprudence.

**SB 200**—Judiciary and Civil and Criminal Jurisprudence.

### **RE-REFERRALS**

President Pro Tem Shields re-referred **SB 118** to the Committee on Commerce, Consumer Protection, Energy and the Environment.

On motion of Senator Engler, the Senate recessed until 6:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Schmitt.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 5**.

#### **HOUSE CONCURRENT RESOLUTION NO. 5**

Relating to disapproving the recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, Article XIII, Section 3 of the Missouri Constitution charges the Missouri Citizens' Commission on Compensation for Elected Officials with setting the amounts of compensation paid to statewide elected officials, legislators, and judges; and

Whereas, the Constitution provides the Commission with a four-month window prior to its constitutional deadline for making salary recommendations to hold public hearings around the state to gather testimony related to salaries for affected state officials and to carefully consider whether pay increases are warranted; and

Whereas, the Missouri Citizens' Commission on Compensation of Elected Officials has recommended that statewide elected officials, legislators, and judges receive a cost-of-living adjustment only if a cost-of-living adjustment is approved by the Missouri General Assembly for all state employees; and

Whereas, in addition, the Commission recommended a pay increase of \$1,500 annually to each of the state's associate circuit court judges and that judges be allowed a per diem for attending an annual three-day judicial conference which equals the per diem received by member of the Missouri General Assembly. Such recommendations are not contingent upon the approval of a cost-of-living adjustment for all state employees; and

Whereas, the Commission's recommendations shall take effect unless disapproved by the General Assembly through a concurrent resolution process passed by two-thirds majorities in each legislative chamber before February 1, 2009:

Now, therefore, be it resolved by the members of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate concurring therein, that the recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials be disapproved; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Governor Jay Nixon.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to act with a like committee from the Senate pursuant to **HCR 10**. Representatives Zerr, McNary, Riddle, Gatschenberger, Schlottach, Schoeller, Scavuzzo, Yaeger, Harris and Brown (50).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to act with a like committee from the Senate pursuant to **HCR 11**. Representatives: Diehl, Jones (89), Stevenson, Cox, Flook, Pratt, Talboy, Grill, Bringer and Storch.

## COMMUNICATIONS

President Pro Tem Shields submitted the following:

January 26, 2009

Ms. Terry Spieler  
Secretary of the Senate  
Room 325, State Capitol  
Jefferson City, MO 65101

Dear Ms. Spieler,

At the request of the Minority Floor Leader, please remove Senator Bray from the Committee on Small Business, Insurance and Industry, and replace her with Senator Days.

Sincerely,

/s/ Charlie Shields  
Charles W. Shields

Also,

January 26, 2009

Ms. Terry Spieler  
Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

I am hereby establishing the **Senate Select Committee on Oversight of Federal Stimulus Plan**. This committee will be charged with studying and analyzing strategies for securing the maximum amount of federal dollars for Missouri and Missourians that will come from the anticipated federal economic stimulus plan of 2009. The committee will consist of 13 members, and shall issue recommendations in a report to the Senate by March 12, 2009. The members of the committee are as follows:

Senator Scott Rupp - Chairman

Senator Rita Heard Days - Vice-Chairman

Senator Chuck Purgason

Senator Eric Schmitt

Senator David Pearce

Senator Kurt Schaefer

Senator LuAnn Ridgeway

Senator Tom Dempsey

Senator Jack Goodman

Senator Victor Callahan

Senator Jolie Justus

Senator Bill Stouffer

Senator Jason Crowell

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields

Charlie Shields

### INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Dr. Larry Sneider, Harrisonville.

Senator Dempsey introduced to the Senate, Dr. Larry J. Davis, O.D., F.A.A.O., his wife, Janice, and their daughter, Sydni; and Kate Mabry, St. Louis.

On motion of Senator Engler, the Senate adjourned under the rules.

### SENATE CALENDAR

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ELEVENTH DAY—TUESDAY, JANUARY 27, 2009

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### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 201-Cunningham

SB 202-Schaefer

SB 203-Justus	SB 235-Cunningham
SB 204-Goodman, et al	SB 236-Lembke
SB 205-Shoemyer	SB 237-Lembke
SB 206-Shoemyer	SB 238-Callahan
SB 207-Rupp	SB 239-Bartle and Justus
SB 208-Rupp	SB 240-Bray
SB 209-Clemens	SB 241-Bray
SB 210-Lembke and Cunningham	SB 242-Pearce
SB 211-Lembke	SB 243-Pearce
SB 212-Griesheimer	SB 244-Dempsey
SB 213-Scott	SB 245-Schaefer
SB 214-Scott	SB 246-Schaefer
SB 215-Shields	SB 247-Schaefer
SB 216-Scott	SB 248-Schaefer
SB 217-Goodman	SB 249-Schaefer
SB 218-Ridgeway	SB 250-Smith
SB 219-Ridgeway, et al	SB 251-Smith
SB 220-Goodman	SB 252-Smith, et al
SB 221-Goodman	SB 253-Justus
SB 222-Goodman	SJR 1-Bartle
SB 223-Goodman	SJR 2-Bartle
SB 224-Goodman	SJR 3-Crowell
SB 225-Goodman	SJR 4-Cunningham
SB 226-Bartle	SJR 5-Schmitt
SB 227-Dempsey	SJR 6-Lager
SB 228-Scott, et al	SJR 7-Rupp
SB 229-Bray	SJR 8-Shoemyer and Purgason
SB 230-Bray	SJR 9-Lembke and Cunningham
SB 231-Cunningham	SJR 10-Lembke
SB 232-Cunningham	SJR 11-Lembke
SB 233-Cunningham	SJR 12-Scott
SB 234-Cunningham	

## INFORMAL CALENDAR

### RESOLUTIONS

SR 139-Engler

SR 140-Engler

To be Referred

SCR 13-Pearce

HCR 5-McGhee, et al

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# Journal of the Senate

FIRST REGULAR SESSION

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**ELEVENTH DAY—TUESDAY, JANUARY 27, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Work as if you were serving the Lord not as if you were serving only men and women." (Ephesians 6:7)

Eternal Lord, if we are to work together as servants of the people of Missouri, may we do so as unto You. As we are attentive to the needs of our people and hear his Excellency's address to the people may our joint efforts not be to the bottom line but to please You, our God, caring for the needy and comforting the broken lives in this economy. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Lager offered Senate Resolution No. 144, regarding Carbolytic Materials Company, LLC, Lake Saint Louis, which was adopted.

Senator Ridgeway offered Senate Resolution No. 145, regarding Cameron M. Kieffer, Liberty, which was adopted.

Senator Engler moved that **SR 140** be taken up for adoption, which motion prevailed.

Senator Mayer assumed the Chair.

Senator Green offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Resolution No. 140, as it appears on Page 177 of the Senate Journal for Monday, January 26, 2009, Lines 31-43, by striking said lines and inserting in lieu thereof the following: **“Rule 29.1. Senate offices and seat assignments in the chamber shall be assigned on the basis of seniority as defined in subsection 2 of this rule, except that Rooms 326 and 327 shall be known as the president pro-tem’s office and shall be occupied by the senate’s president pro-tem. Upon retirement from service as pro-tem, that senator shall vacate the pro-tem’s office and shall have first choice of available vacant offices regardless of seniority status. Except for the outgoing president pro-tem who is required to vacate the designated pro-tem’s office, no senator shall be required to relinquish any office or seat once assigned to him or her.”**;

And further amend Senate Resolution No. 140 as it appears on page 178 of the Senate Journal for Monday, January 26, 2009, line 1 by striking “by each caucus”;

And further amend Senate Resolution No. 140 as it appears on page 178 of the Senate Journal for Monday, January 26, 2009, line 5 by striking “their” as it appears the second time, and inserting in lieu thereof the following: **“the president pro-tem”**;

And further amend Senate Resolution No. 140 as it appears on page 178 of the Senate Journal for Monday, January 26, 2009, line 6 through 18 by striking said lines.

Senator Green moved that the above amendment be adopted.

At the request of Senator Green, **SA 1** was withdrawn.

At the request of Senator Engler, the motion to adopt **SR 140** was withdrawn.

With the consent of the sponsor, President Pro Tem Shields referred **SR 140** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Engler moved that **SR 139** be taken up for adoption, which motion prevailed.

Senator Champion offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Resolution No. 139, as it appears on Page 177, of the Senate Journal for Monday, January 26, 2009, Line 22 of said journal page, by inserting after the word “senate” as it appears the second time on said line the following: **“and a brief summary of the changes to the floor substitute from the previous version of the bill is attached”**.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Engler, the motion to adopt **SR 139**, as amended, was withdrawn, which placed the resolution back on the calender.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 254**—By Barnitz and Shoemyer.

An Act to repeal sections 32.115, 99.1205, 135.484, 135.535, 135.680, and 208.770, RSMo, and to enact in lieu thereof seven new sections relating to the show-me milk credit.

**SB 255**—By Pearce.

An Act to repeal section 172.030, RSMo, and to enact in lieu thereof one new section relating to the board of curators of the University of Missouri.

**SB 256**—By Schaefer.

An Act to repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to county purchases.

**SB 257**—By Schaefer.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to the extension of certain county taxes.

**SB 258**—By Schaefer.

An Act to repeal section 56.700, RSMo, and to enact in lieu thereof one new section relating to mental health duties of certain county counselors.

**SB 259**—By Wright-Jones.

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to state funding for elementary and secondary education.

**SB 260**—By Wright-Jones.

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to emergency care for sexual assault victims, with penalty provisions.

### **REFERRALS**

President Pro Tem Shields referred **SCR 13** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**HCR 5**—Rules, Joint Rules, Resolutions and Ethics.

### **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees

indicated:

**SB 201**—General Laws.

**SB 202**—Small Business, Insurance and Industry.

**SB 203**—Health, Mental Health, Seniors and Families.

**SB 204**—Financial and Governmental Organizations and Elections.

**SB 205**—Agriculture, Food Production and Outdoor Resources.

**SB 206**—Ways and Means.

**SB 207**—Commerce, Consumer Protection, Energy and the Environment.

**SB 208**—Education.

**SB 209**—Agriculture, Food Production and Outdoor Resources.

**SB 210**—Governmental Accountability and Fiscal Oversight.

**SB 211**—Transportation.

**SB 212**—Jobs, Economic Development and Local Government.

**SB 213**—Financial and Governmental Organizations and Elections.

**SB 214**—General Laws.

**SB 215**—Ways and Means.

**SB 216**—Financial and Governmental Organizations and Elections.

**SB 217**—Small Business, Insurance and Industry.

**SB 218**—Judiciary and Civil and Criminal Jurisprudence.

**SB 219**—Judiciary and Civil and Criminal Jurisprudence.

**SB 220**—Commerce, Consumer Protection, Energy and the Environment.

**SB 221**—Judiciary and Civil and Criminal Jurisprudence.

**SB 222**—Commerce, Consumer Protection, Energy and the Environment.

**SB 223**—Judiciary and Civil and Criminal Jurisprudence.

**SB 224**—Judiciary and Civil and Criminal Jurisprudence.

**SB 225**—Judiciary and Civil and Criminal Jurisprudence.

**SB 226**—Judiciary and Civil and Criminal Jurisprudence.

**SB 227**—General Laws.

**SB 228**—Commerce, Consumer Protection, Energy and the Environment.

**SB 229**—Health, Mental Health, Seniors and Families.

**SB 230**—General Laws.

**SB 231**—General Laws.



**SB 232**—Progress and Development.

**SB 233**—Education.

**SB 234**—Education.

**SB 235**—Ways and Means.

**SB 236**—Health, Mental Health, Seniors and Families.

**SB 237**—Health, Mental Health, Seniors and Families.

**SJR 1**—Financial and Governmental Organizations and Elections.

**SJR 2**—Transportation.

**SJR 3**—Judiciary and Civil and Criminal Jurisprudence.

**SJR 4**—Ways and Means.

**SJR 5**—Jobs, Economic Development and Local Government.

**SJR 6**—General Laws.

**SJR 7**—Governmental Accountability and Fiscal Oversight.

**SJR 8**—Agriculture, Food Production and Outdoor Resources.

**SJR 9**—Governmental Accountability and Fiscal Oversight.

**SJR 10**—Governmental Accountability and Fiscal Oversight.

**SJR 11**—Rules, Joint Rules, Resolutions and Ethics.

**SJR 12**—General Laws.

On motion of Senator Engler, the Senate recessed until 6:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Mayer.

### **RESOLUTIONS**

Senator Schaefer offered Senate Resolution No. 146, regarding Eric David Stevenson, Ashland, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 147, regarding the American Heart Association and its Missouri affiliates, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 148, regarding Captain Leman Dobbins, Saint Louis, which was adopted.

Senator Barnitz offered Senate Resolution No. 149, regarding Douglas Manufacturing, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 150, regarding Rolla Public School Counselors, which was adopted.

On motion of Senator Engler, the Senate recessed to repair to the House of Representatives to receive the State of the State Address from His Excellency, Governor Jay Nixon.

## JOINT SESSION

The Joint Session was called to order by President Kinder.

The Color Guard from the Missouri State Highway Patrol, Troop F, presented the colors.

The Pledge of Allegiance to the Flag was recited.

On roll call the following Senators were present:

### Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On roll call the following Representatives were present:

### Present—Representatives

Allen	Atkins	Aull	Biermann	Bivens	Brandom	Bringer	Brown 30
Brown 50	Brown 73	Brown 149	Bruns	Burlison	Burnett	Calloway	Carter
Casey	Colona	Cooper	Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs	Hodges	Holsman	Hoskins 121
Hughes	Hummel	Jones 63	Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese	Lipke	Loehner	Low
McClanahan	McDonald	McGhee	McNary	McNeil	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley	Todd	Tracy	Viebrock
Walsh	Walton Gray	Webb	Webber	Wells	Weter	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright	Yaeger	Yates	Zerr	Zimmerman

Mr Speaker—153

### Absent and Absent with Leave - Representatives

Chappelle-Nadal	El-Amin	Hoskins 80	Ice	Kander	Meadows	Spreng	Vogt
Wallace	Wasson-10						

The Joint Committee appointed to wait upon His Excellency, Governor Jay Nixon, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

A NEW DAY FOR MISSOURI

Thank you Speaker Richard, President Pro-tem Shields, Leaders LeVota and Callahan, Justices of the Missouri Supreme Court, Lieutenant Governor Kinder, statewide officials and Members of the General Assembly. I also welcome the many thousands of Missourians who are tuning in on TV, on the radio, or online.

It also gives me great pleasure to introduce Missouri's First Lady, Georganne Nixon, and our two sons, Jeremiah and Will.

We come here tonight in the spirit of public service, and public service often requires sacrifice. I'd like to offer a special welcome to someone who truly represents sacrifice and dedication to service - Staff Sergeant William Boyd.

A proud Member of the Missouri National Guard from Centertown, Sergeant Boyd served our nation in Iraq. In February 2005, Sergeant Boyd was riding in a convoy when his vehicle hit a hole left by a roadside bomb. The vehicle overturned several times, and broke two bones in the Sergeant's left leg.

Sergeant Boyd underwent two surgeries in Iraq and a third in Germany, where they inserted a metal rod into his leg. Upon arrival back in Missouri where he would undergo extensive physical therapy, his doctors told him he would not be able to rejoin his unit in Iraq.

He asked the doctors if he could return to Iraq if he made a full recovery. They said no, but Sergeant Boyd resolved to change their minds. By June, he was running again, and the doctors gave their approval for him to return to duty. So Sergeant Boyd headed back to Iraq and served with his unit through the end of their deployment.

In the spirit of recognizing those who sacrifice to serve, and to give thanks to the many brave Missourians who are in harm's way this very evening, please join me in welcoming Sergeant Boyd. Sergeant, we are honored to be in your presence.

Fifteen days ago, we stood together on the steps of the Capitol to mark a "New Day for Missouri." We declared it a new day for every Missouri family that holds out hope for a better future.

A new day for the 219,000 Missourians out of work, the highest unemployment rate in 25 years. And for the 729,000 who have no health coverage. And the 42,000 families who have had their homes foreclosed last year.

And on those Capitol steps two weeks ago, we also declared it a new day for bipartisanship here in Jefferson City. These are historically difficult times, and they will require historic levels of cooperation.

Some doubted a new tone in Jefferson City was possible. So far, I am pleased to report that together, we're proving the nay-sayers wrong. Sure, it's been just two weeks. But they've been two productive weeks. We're rolling up our sleeves. We're getting to work, and we're doing it together.

This new tone is possible, I believe, because we start with a set of shared principles. Shared by me, the members of the General Assembly and most importantly - shared by the people of Missouri.

First. We believe in the value of a hard day's work. But too many Missourians are unemployed - or fear they may soon become unemployed. We must help small businesses grow. And we must invest in technology, science, and innovation to create the next-generation jobs we need to compete in the 21<sup>st</sup>- Century. We must create new jobs and we must do it now.

Second. We believe in fiscal responsibility and balanced budgets. We face a significant budget shortfall, but we will bring our budget into balance by making difficult decisions, and by making government more efficient. Not by putting the burden on the backs of the weakest among us. And, not by raising taxes on Missouri families or businesses.

Third. Education is the key to our future. From pre-school to college, we must prepare every child to compete. We must support our teachers. And we must make the dream of a college education a reality for more Missouri families.

Fourth. A healthier workforce is a more productive workforce. And a strong health care system will help lure new businesses to our state. We must expand access to affordable health care, particularly for the 150,000 Missouri children who are uninsured today.

And fifth, the people of Missouri must be given reason to trust their elected officials and have faith in their work. That means a more open, transparent and accountable government.

These five principles don't represent Democratic values or Republican values. They're Missouri values. They're our values. And they've guided me in laying out next year's budget.

Tonight, as I put forward my plan to address many of our critical challenges, I do so in the spirit of cooperation and bipartisanship. We were all elected by the people of Missouri, and we all share the common goal of serving the people of Missouri.

If one of you has a better way to fix our health care system, I'm ready to listen. If someone else has a cost-effective way for the state to create new jobs, let's hear it. Many of the best ideas come from outside the halls of government. And the challenges we face are too steep to worry about who gets credit for the solution.

Times are tough. We all know that.

The national economic meltdown is creating serious challenges for Missouri families. Jobs are being lost. Homes are being foreclosed. Retirements are being delayed. And everyone is concerned about what the future will bring.

Jobs are the lifeblood of our economy. When jobs are lost and businesses shut down, communities suffer and people start losing hope. To start turning this economy around, we must take immediate action on our first shared principle and join together to get Missourians back to work.

Several weeks ago, I laid out the initial pieces of our Show Me Jobs plan. A series of steps that we can take to create jobs and stimulate economic growth. It's a fiscally responsible plan, and I've been encouraged by the bi-partisan support that it has received thus far.

And because immediate action was needed, one of my first acts as Governor was to sign three executive orders to help spur job creation.

Many of our new jobs will come from small businesses. So we proposed a new low-interest loan program for Missouri small businesses - to make it easier for them to expand and grow, or in some cases, easier to just keep their doors open.

From DeSoto to Chillicothe. From Cape Girardeau to St. Joe. Barber shops. Coffee shops. Hardware stores. The places where we've shopped since we were kids. Small businesses give our communities character and they make our Main Streets vibrant. We must renew our efforts to help small businesses thrive and prosper.

We must ensure that opportunity and job growth takes place in all of our communities. That's why we must support our women and minority-owned businesses so that they can continue to grow and create jobs.

It's not just small businesses that are facing tough times in this economy. The American auto industry is in peril, and Missouri has felt the pain as much as anyone. In the past two years, thousands of Missouri autoworkers and auto industry employees have lost their jobs. I've met with many of these men and women. They're the most skilled autoworkers in the nation. They take a great deal of pride in their craft, and they're anxious to get back to work.

Giving up on Missouri's auto industry is not an option.

That's why I have ordered the creation of an Automotive Jobs Task Force to make sure that we're in the best possible position to revitalize the automobile industry in Missouri. In the years to come, America will produce a new generation of automobiles - electric cars, trucks powered by fuel cells. We must ensure that those new cars and trucks are built right here in Missouri.

Every idea must be considered as we seek to create the jobs our state so needs. We are discussing some new ideas tonight. Programs that don't work will be ended. But when we know something works, we will increase our investment.

The Quality Jobs Act has incentivized business owners to create thousands of high-paying jobs that offer health care. Good middle-class jobs. The Quality Jobs Act has worked. We must not only continue this program, we must expand it.

Programs like the Quality Jobs Act are one important tool in our toolbox for creating jobs. But our strongest asset is and always will be our people. I've said it many times: Missouri is home to the best workers, the best craftsmen in the world. But the set of skills that meant guaranteed employment in the past, now offers no such certainty in this new economy. To seize the economy of the future, we must ensure that our workers have the skills and training for the jobs of tomorrow.

We're joined tonight by Patrick Davis, a young man from Ferguson. Patrick had worked for 14 years at the Ford Plant in Hazelwood, but like many of his brothers and sisters, he was laid off when the plant closed in 2006. But Patrick dusted himself off and took action to learn a new skill. He enrolled at a worker retraining program at Florissant Valley Community College, and learned to convert the craft he knows - building cars -- into a craft that landed him a next-generation job building F18s, one of the best fighter jets the world has ever seen.

Please join me in welcoming Patrick tonight.

We must help more Missourians look down the road and stay ahead of the curve, just like Patrick has. Identifying next-generation jobs and making sure our workers are ready to compete. Jobs in technology, innovation and lifesaving research.

The "green jobs" that will create new energy solutions. Jobs building wind turbines, hydroelectric facilities, solar panels, next generation batteries, more efficient window and doors. The list goes on and on. And so do the opportunities.

Right now, we have far too many jobs in health care that we can't fill right here in Missouri because we can't find people with the right skills. We need nurses, pharmacy workers and rural health care workers. Filling those positions is critical to both our economy and our health care system. That's why I've called for the creation and funding of the Caring for Missourians program - an initiative that will coordinate efforts between our two and four-year institutions to train our next generation of health care workers.

We have hardworking Missourians ready to fill these skilled jobs - they just need a little help getting there.

So my budget invests in people.

We'll build a workforce ready to tackle the challenges of this new economy. I believe Missouri's economic future depends on the strength of Missouri's people. When a company wants to build a new plant or open a new office, they'll want to come to Missouri, not just because they get the best deal, but because they'll get the best workers.

That's why, despite the budget problems we face, I have called for an increase in funding for job development and training programs of 38 percent.

And as we invest in Missouri's people, no one should be left behind. Under my proposed budget, I have called for increased funding to help Missourians with developmental disabilities earn a living and contribute to society.

On that point, I'd like to introduce you to a gentleman named Glenn Cromley. Glenn is now 61 years old, and was diagnosed with a cognitive disability when he was a child. Like many parents with children who have disabilities, his parents worried about whether Glenn could lead a productive and happy life. When Missouri launched the Sheltered Workshop program in 1966, Glenn's parents signed him up. The workshop provides an opportunity for Glenn to work and contribute each day, preparing first aid kits for local distributors.

Please join me in welcoming Glenn, his mother Sue, and his workshop supervisor, Roger Garlich.

Every Missourian is unique and valuable, and every Missourian must have the opportunity to realize the value of a hard-day's work. Now, some have called for the Sheltered Workshop Program to be eliminated. Let me tell you - that's not going to happen. Not while I serve as your Governor.

Quite the contrary, in order to ensure that more Missourians like Glenn have the opportunity to live independent and successful lives, my budget proposes increasing funding for our Sheltered Workshop program.

Now we all know we cannot move our economy forward without moving Missouri agriculture forward. We must ensure that Missouri's family farmers and agri-businesses are ready to compete in this new economy. Branding Missouri products and increasing opportunities to export them. Making sure that every dairy farmer, row cropper and livestock seller has access to world markets, and has the technology to connect to those markets.

We know that within Missouri's own agricultural capacity lies a possible solution to our nation's energy crisis. Missouri must remain on the leading edge of efforts to develop the renewable energy sources of our future. That's why my budget provides full funding for ethanol and bio-fuels.

And in 2009, there is no reason why some of our rural areas still don't have access to high-speed Internet. The information super-highway must be accessible to all Missouri families.

Protecting and creating jobs must be our top priority. We must take quick action. Tonight, I repeat my request: Send me an emergency jobs plan before the March break. I'll sign a comprehensive, fiscally sound package. And together, we'll start getting Missouri back to work.

Now, the economic challenges we face are significant. Just as Missouri families are readjusting their budgets to deal with economic realities, the state must do the same. Everyone is forced to make difficult choices.

But as I said earlier, we balance our budgets here in Missouri. Fiscal responsibility is a principle that we share.

So here is something we can all agree on. We will balance our budget, this year, next year, and the year after that. We won't place the burden on the weakest among us. We won't abandon our priorities or shared principles. And we won't raise taxes.

We face an immediate shortfall in FY09 of more than a quarter of a billion dollars. I've already begun to implement the tough decisions necessary to make our government leaner and more efficient. We'll balance our books without cutting important public services.

But even larger economic problems loom ahead for the next fiscal year.

To tackle the budget challenges we face in FY10, we are embarking on an unprecedented initiative to make government leaner and more efficient.

To bring about this needed reduction, my budget eliminates or cuts 50 programs. Many bureaucratic positions will be consolidated or eliminated altogether. Hundreds of additional positions that are currently unoccupied will not be filled.

In total, my FY10 budget proposes the elimination of more than 1,300 positions. We will cut nearly \$200 million from overhead by eliminating these positions and cutting bureaucracy.

After just two weeks in office, we are proposing the smallest state bureaucracy that Missouri has seen in a decade. The reduction I am proposing today represents the largest single reduction in the state's bureaucracy in modern history.

And because Missourians will get a government that's smarter and more efficient, most families will not see changes in the services they count on.

Make no mistake, I value our state workers, and these cuts will not be easy.

We must always remember that public service is among the most honorable lines of work. The folks who protect our families and keep our parks clean. The brave men and women who help our communities overcome natural disasters. As their chief executive, I stand with our state employees today and always.

We will take action to make government smaller, but that alone will not be enough. We must also make government more efficient. Now more than ever, we must stretch every dollar Missouri taxpayers send us.

In the coming weeks I will appoint a Taxpayer Protection Commission to implement widespread performance reviews. Top-to-bottom reviews of every agency and program to identify what's working and what's not working. What could be run more efficiently and where we can consolidate.

For example, the Taxpayer Protection Commission's work will include a strict and thorough review of every tax credit program.

Let me be crystal clear on this point. Tax credits are for creating jobs and strengthening communities, not for padding the pockets of the wealthiest among us.

In addition, I have ordered the review of all long-term government contracts. We must get our arms around this budget shortfall before we continue committing our state to future spending.

And in the General Assembly, Republicans and Democrats must work together to send me a budget that reflects our need to be more fiscally responsible.

Now, we have every reason to believe that a federal recovery package will soon be passed by Congress, and money will be sent to the states to help create economic growth. We've been working closely with the Obama Administration and our Congressional delegation on this matter. And I have established an Economic Stimulus Coordination Council to ensure that Missouri is prepared to wisely invest the assistance that comes from Washington in a way that is efficient, fiscally responsible and consistent with our shared principles.

While the budget I submit tonight includes significant cuts, we will not put the burden on the backs of our young students.

We all share the belief that education is the key to ensuring economic strength long into the future. Missouri's pre-K-through-12 education system is the foundation of all efforts to prepare our young people to compete in the 21<sup>st</sup> Century. And only a strong education system will ensure that all Missouri children can achieve their full potential.

So even in these difficult economic times, we must fully fund the education foundation formula. That is not negotiable.

Under the budget I submit to you, Missouri classrooms will receive more than 3 billion dollars in state aid.

In addition, I propose a larger investment in early childhood education. We must continue to support funding for career education, the Parents as Teachers program and the Small Schools program. And I have called for increased funding for First Steps, a critical program that helps so many Missouri children get off on the right foot.

We must give our public school teachers the tools they need to educate our children. And make sure that every child has a productive learning environment. That's why I've called for an increase in funding for the "Safe Schools" program, which promotes alternative schools for disruptive students.

When a kid consistently acts up in class, we want them to go to an alternative place where they can learn - not to the street corner.

Every child in Missouri deserves the opportunity to succeed. And that means a quality education for all children - no matter what zip code that child lives in, or what that child's parents do for a living. Education must be the great equalizer.

But we know that in the 21<sup>st</sup> Century, a pre-K-through-12 education is only the beginning. For many, a college degree can be critical to competing in a modern economy.

That degree is out of reach for too many Missouri families. Unaffordable. And the cost of college forces a difficult decision for too many Missourians.

It's a decision much like the one that Marcus and Rachelle Brent from St. Louis recently faced. Marcus and Rachelle had dreamed of sending their daughter Keirstin to college - and worked hard all their lives to make it happen. But just a few weeks ago, they both unexpectedly lost their jobs, and it turned their world upside down. They were left with a difficult decision: Should they take money out of their 401Ks in order to help Keirstin go to college? Or should they ask their daughter to give up her dreams of a college degree?

Marcus and Rachelle decided that their daughter's education comes first. And today Keirstin is a freshman at Harris Stowe State University in St. Louis.

We welcome Keirstin here tonight, and we salute Marcus and Rachelle's dedication to her future.

Families across the state are postponing retirements, taking out second mortgages, doing whatever they can to make college a reality for their children. It shouldn't have to be this way.

Even with her parents' help, Keirstin will still graduate with thousands of dollars of debt. She'll have a hard time buying that new house or new car. Instead of pumping money back into our economy, she'll be paying off the degree that's hanging on her wall.

Tuition has skyrocketed in part because the state has slashed its support for colleges and universities. In the past, when the state has faced challenging economic times, higher education has often been the first target for cuts. Not this time.

Under my proposed budget, Missouri's state colleges and universities will receive the same level of support next year that they currently receive. And in exchange for the state's continued level of support, the presidents of the state's public colleges and universities have agreed not to increase tuition on Missouri students.

Students in other states will see their tuition continue to skyrocket this year. But not here.

Under my proposed budget, not one Missouri student at a public Missouri college, university or community college will see their tuition go up next year. And that is a major victory for Missouri families.

But for many middle-class Missourians, even the current cost of tuition at our public four-year colleges and universities is unaffordable.

To highlight this point, I'd like to tell you about a young lady I met a few months ago. Her name is Jennifer Long. Jennifer grew up in Pleasant Hill but she currently attends Pittsburg State University in Kansas. I asked her why she - or any Missourian - would choose to go to college in Kansas. She told me that she wanted to stay here in Missouri, but she qualified for in-state tuition in Kansas because she lived in a nearby county. And, the schools in Kansas are more affordable.

Jennifer had gone to community college in Missouri on an A+ scholarship - but then had to leave the state in order to afford her four-year degree. That shouldn't happen.

That's why my budget includes funds for my plan called the Missouri Promise. It builds upon our current A+ Schools Program, which allows students at eligible high schools to get their two-year degrees at community colleges tuition free.

The Missouri Promise allows those students who take advantage of A+ scholarships to continue at a Missouri public college or university - and complete their four-year degree debt free.

So now, as long as they keep a B average and give back to their community, students like Jennifer Long will have a pathway to earn a four-year degree and graduate debt free, right here in Missouri.

Please join me in welcoming Jennifer, who joins us tonight. Thank you for coming. We wish you all the best at Pittsburg State. But when you graduate, we need you to come back home and help our economy here in Missouri.

In addition to the Missouri Promise, we'll continue funding other important scholarship programs - like the Missouri Teacher Education Program, Bright Flight, the Missouri Minority Teaching Program, and the Urban Flight and Rural Needs Program.

And we will continue to honor our heroes in the Missouri National Guard as they return home from overseas by fully funding tuition assistance programs. Despite these tough economic times, the State of Missouri will keep its end of the bargain for those who fought for our freedom and safety.

Now, our state's health care system has been broken for some time. And lately, matters have only been getting worse. More than 729,000 Missourians are uninsured, including 150,000 children. Families who have insurance are struggling to afford it. Hospitals are struggling to keep up with the lines at Emergency Rooms.

Nobody should feel good about the state of our health care system. Nobody should feel good that we have 150,000 uninsured children in Missouri. Thousands of parents in our state have to worry about letting their children play outside with their friends after school - because one slip and fall could mean bankruptcy for the family.

In Missouri, there are 100,000 children among our uninsured who are right now eligible for health coverage under Medicaid or the State Children's Health Insurance Program, but are not signed up. That's unacceptable.

We need to identify these families, and put together a coordinated effort to recruit them. We'll eliminate premiums for some kids and create a level premium for the rest. We're going to tear down the roadblocks that are preventing eligible families from registering their children for S-CHIP. And we'll seek to form public-private partnerships to assist families that can't afford S-CHIP premiums.

Tomorrow, I'll propose a supplemental budget recommendation so that we can immediately begin the process of getting these children the health care they deserve.

Not only is it unacceptable that so many of our neighbors live without access to affordable health care, this broken system directly impacts our state's economy. New companies aren't coming to Missouri and employers are not adding workers because the cost of health care is just too high. We cannot get this economy moving until we get the cost of health insurance under control. And we cannot get the cost of health insurance under control until we reduce the number of Missourians who don't have it.

Reducing the number of uninsured Missourians is not just the right thing to do for our neighbors. It is the smart thing to do for our economy. So, we must begin the process of reducing the number of uninsured. It's a massive problem, and in these difficult times, we won't fix it overnight. But we must make progress, and start heading in the right direction once again.

There are many options on the table, and I am open to all good ideas that achieve our common goal - providing more Missouri families access to health coverage that they can afford at a cost that the state can afford.

That's why, in my budget, I've begun the process. Tonight I am offering a plan to expand health coverage to 62,000 more Missourians - that's 35,000 working adults and 27,000 children. We'll pay for much of the cost of this expansion by drawing down additional federal matching dollars.

But let's be clear. While this is the logical first step towards expanding health coverage, it won't be the last step. We must continue to work together to further expand coverage and further drive down costs for Missouri families.

I look forward to working with the legislature to find common ground on this critical issue for our state. And make no mistake, we must take action to address the health care crisis in Missouri this year.

Working together, we can accomplish a lot to bring about the change our state needs. But at a very fundamental level, we must also regain and retain the trust of the people of Missouri.

We can all agree that our government must be more open, more transparent, more responsive and more accountable.

The people of Missouri have had reason to be skeptical of their government in recent years. Legislators doubling as political consultants. Special access for the special interests. A campaign finance system that allows unlimited contributions to flow into candidates' coffers.

That all must stop.

Two weeks ago, I officially put an end to the antiquated system that allowed Governors to give away license fee offices to their political allies. It was a system reminiscent of the political machines and the smoke-filled rooms of the past. Those days should be long behind us.

For as long as I'm your Governor, license fee offices will go to the people or organizations that will run them most effectively and provide the best service to Missourians. I'm encouraged by the bi-partisan support the new system has received, and I hope the General Assembly will send me a bill to make this change permanent.

Elections should be competitions of ideas, not competitions to recruit the largest number of wealthy donors. The people of Missouri have gone to the polls and spoken on this issue: They want strict contribution limits. I agree with them. There is no reason that special interest groups from across the country should be pouring millions of dollars into local elections here in Missouri. That's why I believe we must pass a real campaign finance reform bill during this session.

It's difficult to overstate the seriousness of the challenges we face.

In the coming weeks, we will make the tough decisions needed to tackle our economic challenges. Those decisions won't be easy, and they won't come without sacrifice. Even in these historically tough times, we must continue moving forward. We must all work together to make our state a better place.

The economic climate may have changed in recent months, but the principles we share have not.

We are all in this together.

We all see a future where every Missourian who works hard has a place to work. And where parents can sleep at night knowing that their children will have the medical care they need. A state where every young person has a chance to realize their dreams, and where we know that our government is always on our side.

The solutions to our problems are within reach. And the only thing that can stop us is the same thing that always stops progress: a failure to listen, a failure to compromise, or a failure to walk a day in someone else's shoes.

By working together, we will tear down old barriers and tackle the challenges we face.

United by the principles we share today, Missouri will come back stronger tomorrow.

It is a new day for the Show-Me State, and we're excited by what the future will bring.

Thank you and God bless the great state of Missouri.



On motion of Senator Engler, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Mayer.

### **RESOLUTIONS**

Senator Barnitz offered Senate Resolution No. 151, regarding the Missouri Park and Recreation Association, which was adopted.

Senator Barnitz offered Senate Resolution No. 152, regarding Dwight Nutting, Waynesville, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Engler introduced to the Senate, Sister Anne Francioni and Mitzi O' Dowd, Ellington.

Senator Lembke introduced to the Senate, Joe and Tracy Clark and their children, Grace, Jenna, Luke and Sarah, Homeschoolers from St. Louis.

Senator Wright-Jones introduced to the Senate, Bob and Jill Johnson and their children, Brandon and Miriam, Homeschoolers from St. Louis; and Brandon and Miriam were made honorary pages.

Senator Wright-Jones introduced to the Senate, Herb Patterson, Jefferson City.

Senator Rupp introduced to the Senate, Carissa and Emily Mahern, O'Fallon; and Emily was made an honorary page.

Senator Bartle introduced to the Senate, members of the Linc Commission, Buckner.

On motion of Senator Goodman, the Senate adjourned under the rules.

### **SENATE CALENDAR**

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TWELFTH DAY–WEDNESDAY, JANUARY 28, 2009

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### **FORMAL CALENDAR**

#### **SECOND READING OF SENATE BILLS**

SB 238-Callahan  
SB 239-Bartle and Justus  
SB 240-Bray  
SB 241-Bray  
SB 242-Pearce  
SB 243-Pearce  
SB 244-Dempsey  
SB 245-Schaefer  
SB 246-Schaefer  
SB 247-Schaefer

SB 248-Schaefer  
SB 249-Schaefer  
SB 250-Smith  
SB 251-Smith  
SB 252-Smith, et al  
SB 253-Justus  
SB 254-Barnitz and Shoemyer  
SB 255-Pearce  
SB 256-Schaefer  
SB 257-Schaefer

SB 258-Schaefer  
SB 259-Wright-Jones

SB 260-Wright-Jones

INFORMAL CALENDAR

RESOLUTIONS

SR 139-Engler

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# Journal of the Senate

FIRST REGULAR SESSION

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**TWELFTH DAY—WEDNESDAY, JANUARY 28, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“My soul does not find itself unless it acts.” (Thomas Merton)

Merciful Lord, we call upon You this day to help us to know we are sharing in Your actions and that they flow from our inner being where You are. May You guide our thoughts and decisions so being in touch with You and voting from our core values we may know our soul. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Engler offered the following resolution:

## SENATE RESOLUTION NO. 153

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective with the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and eight division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
4	Staff Attorney II	3,476 - 5,135
2	Senior Staff Attorney	3,932 - 5,829
2	Research Analyst IV	3,476 - 5,135
1	Investigator	3,225 - 4,724
4	Research Staff Secretary	2,688 - 3,832
2	Budget Research Analyst II	2,996 - 4,263
2	Budget Research Analyst III	3,476 - 5,135
1	Senior Budget Research Analyst	3,932 - 5,829
1	Budget Staff Secretary	2,688 - 3,832
3	Assistant Secretary of Senate	2,996 - 4,263
1	Enrolling & Engrossing Supervisor	2,996 - 4,263
2.5	Enrolling & Engrossing Clerk	2,383 - 3,351
1	Billroom Supervisor	2,383 - 3,351
1	Billroom Clerk	2,048 - 2,828
5	Public Information Specialist	2,383 - 3,351
1	Photographer	2,688 - 3,832
1	Administrative Assistant	3,131 - 6,425
1	Telecommunications Coordinator	2,996 - 4,263
2.5	Accounting Specialist	2,785 - 3,932
1	Human Resources Specialist	2,785 - 3,932
1	Office Assistance Supervisor	2,996 - 4,263
9	Administrative/Office Support	2,785 - 3,932
1	Messenger	1,983 - 2,679
2	Computer Info. Technology Spec. I	3,832 - 5,590
2	Computer Info. Technology Spec. II	4,441 - 6,357
1	Computer Info. Technology Spec. III	4,629 - 6,644
4	Computer Info. Technologist II	3,108 - 4,441
1	Network/Communications Specialist	3,832 - 5,590
2	Data Entry Operator III	2,232 - 3,108
1	Composing Equipment Operator III	2,232 - 3,108

0.5	Mailroom Supervisor	2,383 - 3,351
1	Printing Services Technician II	2,048 - 2,828
2	Printing Services Technician III	2,232 - 3,108
2	Printing Services Technician IV	2,508 - 3,476
1	Maintenance Supervisor	2,508 - 3,476
1	Carpenter II	2,508 - 3,476
1	Maintenance Worker	2,048 - 2,828
0.5	Sergeant at Arms (Elected)	2,508 - 3,476
0.5	Doorkeeper (Elected)	1,832 - 2,460
3.5	Assistant Doorkeeper	1,678 - 2,183
0.5	Reading Clerk	1,678 - 2,183
0.5	Chaplain	908 - 1,202
0.5	Security Guard	1,727 - 2,297

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and the Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth herein above.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2010.

Senator Bray offered Senate Resolution No. 154, regarding LipoSpectrum, LLC, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 155, regarding Cervimark, LLC, Creve Coeur, which was adopted.

### CONCURRENT RESOLUTIONS

Senator Schmitt offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, over the past year, payroll employment in Missouri has decreased by 26,500 jobs, or 0.9 percent; and

WHEREAS, the current recession has impacted every aspect of Missouri's business market from small businesses to major multi-national corporations in every area of our economy;

WHEREAS, the economic downturn has resulted in reduced shifts, layoffs, job losses, corporate downsizing, and the collapse of various types of businesses within the state; and

WHEREAS, over the past year, the state's unemployment rate has increased to 7.3 percent; and

WHEREAS, in spite of the economic downturn experienced by the state and nation, Missouri must improve its attractiveness to new businesses while retaining and expanding upon existing industries; and

WHEREAS, in order to attract high paying jobs from businesses of the future the state must implement a comprehensive plan to increase its presence on both the national and international business markets; and

WHEREAS, such a plan should include improvements in the areas of higher education, tax policy, business regulation, environmental policy, and transportation infrastructure:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby create the “Blue Ribbon Panel on Job Retention and Economic Growth”. The panel shall meet on at least four occasions annually, including at least two occasions before the end of December of the first year the committee is fully established. The panel may hold meetings by telephone or video conference. The panel shall advise and make recommendations to the governor, general assembly, and relevant state agencies regarding matters concerning the social and economic effects of loss of major corporate presence and other businesses within the state including but not limited to loss of employment opportunities, increased reliance upon public services, decreases in charitable giving, and loss of state and local tax revenues; and

BE IT FURTHER RESOLVED that the panel shall be composed of sixteen members, consisting of the following:

(1) Eight members of the general assembly, with four members from the senate and four members from the house of representatives. The president pro tem of the senate shall appoint two members from the senate and the minority leader of the senate shall appoint two members from the senate. The speaker of the house shall appoint two members from the house of representatives and the minority leader of the house shall appoint two members from the house of representatives;

(2) The director of the department of economic development, or his or her designee;

(3) Five members to be selected from the business community;

(4) Two members who are either chief executive officers or board members of a not-for-profit agency organized under the laws of this state which are tax exempt entities under the provisions of section 501 (c) of the Internal Revenue Code; and

(5) Two experts in the field of economic development.

The members of the commission, other than the members from the general assembly and ex-officio members, shall be appointed jointly by the president pro tem of the senate and the speaker of the house of representatives. A chair of the panel shall be selected by the members of the panel; and

BE IT FURTHER RESOLVED that the members of the panel shall consist of a broad representation of Missouri businesses and not-for-profit entities which are concerned with the need for retaining existing Missouri jobs while attracting new businesses to this state; and

BE IT FURTHER RESOLVED that the panel shall make recommendations for developing a comprehensive statewide plan for job retention and economic growth. By February 1, 2010, the panel shall issue preliminary findings and recommendations to the general assembly; and

BE IT FURTHER RESOLVED that in preparing the state plan, the panel shall specifically perform the following responsibilities and report on them accordingly, in conjunction with state agencies:

(1) Conduct a case study on the social and economic impact the loss of business in various areas of the state has had on local communities and the state and report on the means for developing a comprehensive, coordinated plan to increase the attractiveness of our state to businesses in order to retain jobs and foster new business development across the state;

(2) Determine the impact business relocation out-of-state and job loss has upon charitable giving, the social well being of affected areas and the state and local economy;

(3) Study the impact current state and local tax incentives have on business decision-making and recommend the repeal, modification, or creation of additional incentives necessary to facilitate job retention, small business development, and economic growth;

(4) Assess the educational needs of existing and potential Missouri businesses and provide specific recommendations to address such needs;

(5) Examine the need for specific infrastructure improvements necessary to attract new and retain existing businesses;

(6) Develop recommendations for enhancing the attractiveness of this state to business;

(7) Assess the impact job loss has on the state and local economy and charitable giving and provide recommendations on policy changes to encourage charitable giving; and

(8) Determine the role quality of life plays in business location or relocation decision-making and provide recommendations to improve quality of life within the state to attract businesses; and

BE IT FURTHER RESOLVED that the staffs of House Research, the Joint Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the panel may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the panel, its members, and any staff assigned to the panel incurred by the panel shall be paid by the Joint Contingent Fund.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 261**—By Bartle.

An Act to repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to crime, with penalty provisions.

**SB 262**—By Bartle.

An Act to repeal section 516.200, RSMo, and to enact in lieu thereof one new section relating to court procedures.

**SB 263**—By Mayer.

An Act to repeal section 44.227, RSMo, and to enact in lieu thereof one new section relating to the seismic safety commission.

**SB 264**—By Mayer.

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof five new sections relating to abortion, with penalty provisions.

**SB 265**—By Mayer, Justus, Smith, Griesheimer, Vogel, Shoemyer, Goodman and Schmitt.

An Act to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to statewide court automation, with penalty provisions.

**SB 266**—By Mayer.

An Act to amend chapter 182, RSMo, by adding thereto one new section relating to a sales tax to fund public library districts.

**SB 267**—By Mayer and Green.

An Act to repeal sections 429.005, 429.015, 429.210, and 429.230, RSMo, and to enact in lieu thereof five new sections relating to statutory liens against real estate, with an effective date for a certain section.

Senator Engler moved that the Senate recess to repair to the House of Representatives to receive the State of the Judiciary Address from the Chief Justice of the Supreme Court, the Honorable Laura Denvir Stith, which motion prevailed.

### **JOINT SESSION**

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

## Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Wilson	Wright-Jones—32

## Absent—Senators

Clemens      Vogel—2

## Absent with leave—Senators—None

## Vacancies—None

## On roll call the following Representatives were present:

## Present—Representatives

Allen	Atkins	Aull	Biermann	Bivens	Brandom	Bringer	Brown 30
Brown 50	Brown 73	Brown 149	Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	El-Amin	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel	Ice	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meiners	Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walsh	Walton Gray	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wood	Wright	Yaeger	Yates	Zerr
Zimmerman	Mr Speaker—154						

## Absent and Absent with Leave—Representatives

Meadows	Rucker	Salva	Schlottach	Spreng	Swinger	Wasson	Webb
Wildberger—9							

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Laura Denvir Stith, escorted the Chief Justice to the dais where she delivered the State of the Judiciary Address to the Joint Assembly:



*2009 State of the Judiciary Address  
Chief Justice Laura Denvir Stith*

**Introduction**

President Kinder, President Pro Tem Shields, Speaker Richard, my fellow Supreme Court judges, Treasurer Zweifel, Auditor Montee, Attorney General Koster, other elected officials and my fellow citizens: I am truly honored to appear before you again to discuss the state of Missouri's judiciary.

The people of Missouri envisioned that the leaders of all three branches of our government would swear the same oaths to uphold Missouri's constitution and then work together as constitutional partners in serving the citizens of Missouri. Our constitution establishes distinct but interrelated roles for the judicial, legislative and executive branches. In this, my last year as chief justice, I have directed many of my efforts toward identifying more clearly the constitutional mission of the judicial branch and determining how best that mission can be accomplished. This task has taken on even greater urgency in light of the worsening economic forecast.

In evaluating the role of the judicial branch in our constitutional partnership, the place I naturally began is the people's law: our constitution, which, in article I, imposes certain requirements on the judiciary. Section 14 mandates "That the courts of justice shall be open to every person ...." Section 10 ensures that every person whose life, liberty or property is threatened receives "due process of law." Section 2 specifies that all persons are entitled to equal rights and opportunity under the law. If we do not work together to secure these rights for our citizens, then, as the constitution itself states (article I, section 2), our government "fails in its chief design." These and other overarching constitutional principles have led me to identify four strategic missions of our legal system:

- (1) Ensuring equal and affordable access to justice for all our citizens;
- (2) Providing a fair, unbiased and impartial forum for resolving disputes;
- (3) Effectively and efficiently administering our courts; and
- (4) Enhancing the public's trust and confidence in the justice system and, indeed, the whole government.

All of us in the judiciary strive each day to accomplish these missions. But we cannot do it alone. We will succeed only if we continue to collaborate with you, our constitutional partners. Together, we must encourage continued innovation as we face new and different challenges; we must learn to enhance our services while being more efficient; and we always must keep in mind that any path we choose should continue us toward the kind of open, responsive courts the constitution shows our citizens envisioned.

**Implementing a strategic vision for Missouri's courts**

Collaboration has been the foundation of our government, since the drafting of our constitution. The Missouri Constitution was not the work of just legislators – it evolved – and continues to evolve – through the collaboration of officials from all branches of government and ordinary citizens alike, with a healthy respect for tradition combined with an openness to new ideas.

Missouri's courts have adopted this same approach by reaching out to others as we seek to fulfill our constitutional duties. We know it is not enough for courts simply to do things as they always have done. Especially in the midst of these difficult economic times, we must focus not just on weathering the storm but on using our resources even more efficiently, and we cannot be afraid to ask the difficult questions that drive us toward an improved judiciary. Indeed, the challenges we face *today* make planning for *tomorrow* more essential *now* than ever before.

Some of you will remember that my colleague Mike Wolff helped initiate this process a few years ago by making Missouri the first judiciary in the nation to invite the American Bar Association to conduct a critical review of how well Missourians believe their courts are serving them. The report reassured us that the courts are doing their job very well. We were rated favorably on our professionalism, the quality and tenure of our judges, and our basic unified structure. Our ongoing plan for the use of information technology also was well received. The report also identified a few areas in which further progress must be made – such as adequately funding public defenders and streamlining case procedures.

To better address these and other challenges, the courts must recognize that we cannot simply force all modern problems to fit old judicial molds – we must look at the needs of our citizens and businesses today and ensure that the courts evolve to meet them. As a key part of that effort, I have invited those with the most contact with our legal system – lawyers, judges, court staff and others – to join me in using an open-ended "brainstorming" tool to help us identify ways in which we can make Missouri's courts even better. Their responses have been very helpful and insightful.

But I do not want to stop there. I want your input as well, for I am confident you will have additional insights, drawn from your own experience or that of your constituents, about how our courts can better serve Missouri today and in years to come. In the next few days, the Court will e-mail your office this short brainstorming tool. I know you all are busy and to say "you've got mail" is an understatement, but I ask that you take a moment to look at this tool and please share any ideas you have for us. With your ideas and those already suggested, I will

prepare a more formal strategic initiative that will outline some of the programs that, in both the short and long term, will move us toward fulfilling our four missions. We will share this strategic document with you once it is completed in the coming weeks.

In the meantime, we will deliver to you this afternoon a pocket-sized brochure with basic facts about the judiciary as well as an electronic document outlining our key legislative issues for 2009. I will spend the remainder of my remarks this morning touching on key aspects of these issues. Together, we can build on the solid foundation we already have and forge an even better justice system for the future. Our citizens deserve nothing less.

### ***Ensuring equal and affordable access to justice***

The first mission of the judiciary is to ensure equal and affordable access to justice for all Missourians – no matter their color or creed or ability to pay. We can do no less if we are to fulfill the promise of Missouri’s constitution (article I, section 2) that all our citizens “are entitled to equal rights and opportunity under the law.” This is one of our most critical challenges.

Much good work already is being done to advance this mission. In Kansas City, for example, the municipal court and city prosecutors run a program through which lawyers provide free legal assistance to homeless veterans who are arrested on municipal violations. Usually the veterans are asked to perform community service in lieu of fines. Lawyers in other Missouri cities also participate each year in a law day when they provide free legal advice to those who need help; lawyers in the Springfield area do this on a monthly basis.

Programs like these have sparked people to suggest that we implement statewide “veterans courts” or dockets overseen by judges who understand the unique problems and needs presented by some former members of the military. Other suggestions involve ways we can streamline procedural requirements in complex civil cases such as major labor and business disputes. Along with business leaders throughout our state, we recognize that the prompt resolution of these cases is essential for Missouri’s economic engine to work, let alone to grow. Likewise, we must identify those litigants whose needs we can serve more efficiently in simple civil cases such as foreclosures and even traffic infractions, so that equal access is provided to all litigants, no matter the worth of their case.

I also am proud to tell you that we are seeking to make justice more affordable for all our citizens by expanding the use of teleconferencing and videoconferencing. We already use videoconferencing in some of our juvenile courts to enable parents whose children have been required to be placed far away to see their children and communicate with them on a regular basis. In addition, some courts – such as those in the St. Joseph area – use videoconferencing for criminal arraignments and juvenile dockets as well. The Court believes that expanding this technology could save the state money on staffing and transfer of judges to hear cases in areas where dockets are crowded. At the same time, it would make available to additional litigants quick, direct access to justice while eliminating much of their travel costs.

I have asked a group of knowledgeable judges and clerks to make recommendations – by the end of the current fiscal year – for the best ways to use this technology. Their leader will be a former trial judge with nearly two decades of experience representing all sorts of clients throughout northwest Missouri in all sorts of cases.

I am speaking of my newest colleague, Judge Zel Fischer, whose intelligence, experience and enthusiasm already have made Zel – as he much prefers to be called – an excellent addition to the Supreme Court. He is an extremely devoted family man, and his affable and easy-going manner is obvious to anyone who spends time with him. I am certain that you will come to like him; in fact, I don’t know anyone who has met him who *doesn’t* like him. Judge Fischer – Zel – will you please stand?

### ***Public Defender Crisis as an Aspect of Access to Justice***

One critical challenge, however, continues to be our ability to deliver equal and affordable access to justice in criminal matters. One measure of a society’s justice system is how well it handles the worst of citizens who come before it. Well, I hope there are other measures too, because of all states with statewide public defender systems, Missouri ranks dead last in per capita funding of public defenders. This affects not just the defendant whose trial is delayed. It sometimes means that justice is delayed or denied for the victims of crime, who watch in frustration as evidence or witnesses disappear and stress increases.

There is a serious public safety aspect of the public defender crisis as well. The federal constitution guarantees defendants both speedy trials and competent legal counsel. The inadequate number of public defenders, however, puts in question the state’s ability to meet either of these requirements. In short, if not corrected, defendants potentially could be set free without going to trial. The United States Supreme Court has said that it is presumptively prejudicial for a criminal defendant in state courts to have to wait more than eight months for trial where the delay was caused by the prosecutor. But, just two weeks ago the United States Supreme Court heard an appeal suggesting that it is also the state’s fault if gross underfunding causes public defenders to ask for continuances. Victims’ advocates have expressed very understandable concern this could result in vast numbers of criminals being set free because their public defenders were unable to take them to trial soon enough. Missouri does not want to find itself in the position of other states, such as Indiana, Montana and Washington, that were faced with the possibility of releasing prisoners or lawsuits from the ACLU if they did not fix their public defender crises. It also does not want to be like

Louisiana, where the legislature had to seek a bailout from Congress for the public defender program to avoid releasing hundreds of prisoners.

Much work already is being done in Missouri to try to stave off problems like these. In the city of St. Louis, last year – for the first time in recent memory – more criminal cases were disposed of than were filed. How did they do it? Judges, private attorneys, and attorneys from the public defender’s and circuit attorney’s offices collaborated; our state courts administrator’s office offered technical assistance in expediting case handling; and a method allowing for quicker disposition of criminal cases was established.

And in Springfield, the bar spearheaded a cooperative effort within the local legal community to recruit and train private attorneys to handle probation revocation cases where there are no other charges pending. Just six months after the program was born, more than 40 lawyers have volunteered, most of whom have received training and have begun taking cases. The public defender’s office says this is making a real difference in caseloads there. We are hoping to draw on Springfield’s expertise and replicate its cooperative program elsewhere in Missouri this year. Crista Hogan and Brian Hamburg, who have been intimately involved in that effort, braved the ice and snow to be here today. I ask you both to stand so we all can recognize you for your cooperation, innovation and success.

Even the most drastic of volunteer efforts, however, is not nearly enough. That is why working with you to find creative solutions to remedy the worsening situation in Missouri’s public defender system is one of our key priorities this legislative session. We believe a substantial additional state commitment of resources is necessary, but that simply is not possible without the support of those of you in this room. I am confident that together, we can find ways to ease these burdens, comply with federal law, and enhance equal – and affordable – access to justice for all.

#### ***Providing fair, unbiased and impartial forums for resolving legal issues***

Citizens in civil and criminal cases require more than just equal and affordable access to our legal system, though. They also expect – and deserve – our courts to be fair, unbiased and impartial forums, for the Missouri Constitution (article I, section 14) promises that a “certain remedy [be] afforded for every injury to person, property or character, and that right and justice shall be administered without sale, denial or delay.” Fulfilling this promise also is one of the missions of the Missouri Judiciary.

In our focus on providing an unbiased and impartial forum to resolve disputes, we have found that some types of cases simply do not fit well within a traditional court framework. These cases can be handled better by looking for innovative solutions, such as the drug courts and other specialized “problem-solving” approaches now offered in most of our counties. These specialized dockets make the processing of such cases more efficient and best utilize the expertise of those who work on them – they serve as alternatives to imprisonment for generally non-violent offenders whom the judge believes have a real chance of turning their lives around if they receive serious, court-supervised treatment, oversight and mentoring.

I talked with you last year about the success of our drug courts and of the Greene County DWI court in making positive changes in the lives of participants and their families at a fraction of the cost of prison. These programs make our communities safer, because those who graduate from these courts are far less likely to reoffend than are those who are sent to prison.

A new and effective use of the treatment court model involves reintegration dockets, which reduce recidivism by placing offenders released from prison into intensive programs where they are taught the skills they need to readjust to life in their communities. The program requires random drug tests; regular meetings with a probation officer; frequent support group and treatment sessions; and maintaining employment. A judge monitors the participants’ behavior and can send them to jail or back to prison if they fail to comply. One reintegration success story is that of Larry Goodman, who, for much of his adult life, did not think he had a drug or alcohol problem despite frequent arrests while intoxicated. In 2007, instead of being released directly into the community to make his own way, he entered Boone County’s new reintegration program under the supervision of Judge Christine Carpenter. Now, as Mr. Goodman puts it: “I am living a life like I have never lived before, a life without drugs and alcohol ... Everything is brand new.” Mr. Goodman and Judge Carpenter, would you please stand and be recognized?

These innovative approaches are not limited to the criminal field. The courts and local mental hospitals in St. Joseph and the city of St. Louis have developed programs that allow civil commitment hearings to be held by videoconference without the patient or the doctor ever leaving the hospital. This allows cases to move more quickly, saves time and money, is less stressful and more dignified for the patient, and enhances public safety by eliminating the risk of escape during transport. Ron Dittmore of Heartland Health was instrumental in setting up the program in St. Joseph – a decision driven by economic necessity but that has great long-term effects well beyond the financial benefit. Mr. Dittmore, would you please stand and be recognized for your fine work?

I hope you will have other suggestions for helping our courts fit the kinds of cases brought before them, rather than trying to force unique cases into a one-size-fits-all traditional court structure.

#### ***Efficiently administering justice***

Assuring that our citizens receive an unbiased forum to resolve their disputes dovetails with the third mission of Missouri’s judiciary: to

administer our courts efficiently and effectively. We view all our efforts to improve the efficiency within the judicial branch as part of the constitutional guarantee to our citizens of “due process of the law.”

Many who have participated in our brainstorming exercise have praised our efforts to move cases more expeditiously. Three years ago, based in part on the Commission on Children’s Justice’s recommendations, we implemented time standards for certain hearings in child abuse and neglect cases. I am proud to announce that, last fall, we honored 25 judicial circuits for conducting at least 95 percent of these hearings within the requisite time frames and another dozen circuits for doing so in *100 percent* of their hearings. You should be proud of the judges and staff in all these circuits for this wonderful progress.

Court technology is another area in which we have worked to make our system meet the needs of those we serve. Case.net, which provides public case information to anyone with an Internet connection, is only the tip of the iceberg. We recently completed our statewide case management system, allowing Missouri’s courts to work with almost every department in the state – as well as several government entities nationwide – to ensure prompt access to critical judicial information. For instance, transmitting criminal and traffic disposition information in near real time gets licenses of dangerous drivers revoked quickly and helps residential care facilities ensure their employees’ backgrounds make them appropriate to work with children or the elderly. In the coming year, we are working to send warrants and full orders of protection electronically to law enforcement, giving them this critical information as quickly as possible. As a next step, we are working with the Office of Administration to solicit bids from vendors for e-filing, which would allow litigants to submit and retrieve court documents from remote locations and after hours, reducing costs, saving time and allowing for greater access to filings.

For us to continue providing these critical services, however, we need continued legislative commitment to court technology. Most importantly, we need you to reauthorize the \$7 filing fee paid by those who file cases. Although it funds one-third of the court system’s technology needs, this fee is one of the lowest in the nation for this purpose, and it is scheduled to sunset this year. But without it, we literally would go back to pencil and paper in some places and could not sustain the kind of information sharing that public safety and efficiency require.

This also is important to the state’s bottom line, for if we could not maintain our statewide case management system, we would not be able to continue our efforts to collect monies owed to the state and her citizens. For example, in the four years since the judiciary and the legislature worked together to create the tax-offset and debt-collection programs, Missouri courts have captured for the state more than \$8.4 million. This is just a small part of the tens of millions of dollars the judiciary collects each year that is earmarked for general revenue or other funds the state administers. In fiscal 2008, this amounted to \$40.6 million. This money – which goes to schools and state and local governments – can play a small, but key, part in alleviating some of the burden these difficult financial times are placing on all our government institutions.

We look forward to working with you to maintain the positive economic impact on the state that court technology has. We also look forward to your ideas for other ways to increase the courts’ efficiency.

### ***Increasing public trust and understanding***

I began by emphasizing our roles as constitutional partners. This partnership is established by the Missouri Constitution (article II, section 1), which provides our basic compact with the people: “The powers of government shall be divided into three distinct departments – the legislative, executive and judicial ...” and that no persons in one branch “... shall exercise any power properly belonging to either of the others ....”

Over the past few years, those of us in the legal community have been collaborating to explain the checks and balances of these three co-equal yet interdependent branches of government as a part of our fourth mission: enhancing the public’s trust and confidence in their whole government. I firmly believe that as our citizens increase their understanding of the role and workings of the judiciary and the other branches of government, their already high level of confidence in the judicial system, and their level of confidence in all parts of their government, only will improve. This is an important tie that binds us all: a deep-rooted desire to serve the citizens of this great state and to see justice brought to those who need it.

As a part of expanding the public’s understanding of the judicial role, judges and lawyers are volunteering to teach in schools on Constitution Day and in government classes. Just last week, I took part in a citizenship video program that will be shown to thousands of middle- and high-school students in which I explained the concepts underlying our constitutional democracy. We also are collaborating with The Missouri Bar and others to enhance the public’s understanding of the justice system by expanding the judicial performance evaluations that Judge Mike Wolff suggested two years ago and that the Bar instituted last fall to give voters better information about judges up for retention.

### ***Conclusion***

In conclusion, I want to reiterate how important it is that we *all* continue our joint commitment to a well-run judiciary. Our justice system is one leg of the three-legged stool that represents the system of governance our constitution establishes. I never will forget the difficulties

inherent in your role, and I look forward to your input in the coming weeks and months as we in the courts continue to develop strategic initiatives for an even better and stronger justice system. And let us all – regardless of the branch of government in which we serve – be guided by a legal principle enshrined above the door of the red brick Supreme Court building – “The law: It has honored us. May we honor it.” The citizens of Missouri deserve – and expect – no less.

Thank you.

On motion of Senator Engler, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Lembke.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

### **RESOLUTIONS**

Senator Nodler offered Senate Resolution No. 156, regarding Christian Life Center, Joplin, which was adopted.

Senator Stouffer offered Senate Resolution No. 157, regarding Staff Sergeant Eric Yocom, Marceline, which was adopted.

Senator Stouffer offered Senate Resolution No. 158, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vernon Harman, Jr., Bogard, which was adopted.

Senator Stouffer offered Senate Resolution No. 159, regarding Shauni Lawrence, Excelsior Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 160, regarding Bernard A. Orman, Jr., which was adopted.

Senator Pearce offered Senate Resolution No. 161, regarding Louis Alexander Schofield, which was adopted.

Senator Pearce offered Senate Resolution No. 162, regarding Shaffin Wegener, which was adopted.

Senator Pearce offered Senate Resolution No. 163, regarding Ryan N. Baldwin, which was adopted.

Senator Pearce offered Senate Resolution No. 164, regarding Michael Lewis Hodson, Jr., which was adopted.

Senator Pearce offered Senate Resolution No. 165, regarding Jacob Patrick Conner, which was adopted.

Senator Pearce offered Senate Resolution No. 166, regarding Sky D. Roberson, which was adopted.

Senator Pearce offered Senate Resolution No. 167, regarding Kipper Cordell Banner, which was adopted.

Senator Pearce offered Senate Resolution No. 168, regarding Alex James Rickard, which was adopted.

Senator Pearce offered Senate Resolution No. 169, regarding Ryan Logan Rickard, which was adopted.

Senator Pearce offered Senate Resolution No. 170, regarding Brett Mason, which was adopted.

Senator Pearce offered Senate Resolution No. 171, regarding James W. Heller, which was adopted.

Senator Pearce offered Senate Resolution No. 172, regarding Sean Eric Reed, which was adopted.

Senator Pearce offered Senate Resolution No. 173, regarding Jacob Alan Shuster, which was adopted.

Senator Pearce offered Senate Resolution No. 174, regarding Joshua Stockwell, which was adopted.

Senator Pearce offered Senate Resolution No. 175, regarding William Alan Henson, which was adopted.

Senator Pearce offered Senate Resolution No. 176, regarding Matthew James Simmons, which was adopted.

Senator Champion offered the following resolution:

SENATE RESOLUTION NO. 177  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from Greene County of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that Senate Rule 64 be amended to read as follows:

“Rule 64. A substitute for the text of a bill is not in order until all pending amendments thereto have been disposed of. A substitute bill for an original bill or for a committee substitute shall take the form of an original bill and be subject to floor amendments, except that it shall not be subject to amendment by a further floor substitute. **Any floor substitute offered shall be accompanied by a brief summary of the changes from the previous version of the bill.** No further amendments or substitutes may be entertained after the senate adopts a substitute bill.”.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 141**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

**COMMUNICATIONS**

President Pro Tem Shields submitted the following:

January 26, 2009

Senator Charles Shields  
President Pro-Tem  
State Capitol Building, Room 326  
Jefferson City, MO 65101

Dear Senator Shields:

Please except this letter as my resignation from the Missouri Consolidated Health Care Plan Board.

Sincerely,  
/s/ Ryan McKenna  
Ryan McKenna  
District 22

## INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, Dr. Rebecca Johnson, PhD, Jim Beckley, Jim Ries, Allen Mavel and Anandhi Upendran, recipients of the 2009 Business Development Program Rising Star for Innovation and Entrepreneurship Award.

Senator Clemens introduced to the Senate, Brett Sheets, Pleasant Hope.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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THIRTEENTH DAY—THURSDAY, JANUARY 29, 2009

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 238-Callahan	SB 253-Justus
SB 239-Bartle and Justus	SB 254-Barnitz and Shoemyer
SB 240-Bray	SB 255-Pearce
SB 241-Bray	SB 256-Schaefer
SB 242-Pearce	SB 257-Schaefer
SB 243-Pearce	SB 258-Schaefer
SB 244-Dempsey	SB 259-Wright-Jones
SB 245-Schaefer	SB 260-Wright-Jones
SB 246-Schaefer	SB 261-Bartle
SB 247-Schaefer	SB 262-Bartle
SB 248-Schaefer	SB 263-Mayer
SB 249-Schaefer	SB 264-Mayer
SB 250-Smith	SB 265-Mayer, et al
SB 251-Smith	SB 266-Mayer
SB 252-Smith, et al	SB 267-Mayer and Green

## INFORMAL CALENDAR

### RESOLUTIONS

SR 139-Engler	SR 177-Champion
SR 153-Engler	

Reported from Committee

SR 141-Engler

HCR 5-McGhee (Lembke)

To be Referred

SCR 14-Schmitt

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# Journal of the Senate

FIRST REGULAR SESSION

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THIRTEENTH DAY—THURSDAY, JANUARY 29, 2009

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The tongue is the heart's pen and the mind's messenger.” (Bahya, *Hobot HaLebabot*)

As we return home to be with loved ones and work with others around us, make us mindful Lord of the power of what we say. Our words have tremendous impact on those who hear them and we should desire never to bring hurt or pain from them. Assist us to always take a moment to think of what we will say and how they will be received by the listener so our intentions are clear and positively heard. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Purgason offered Senate Resolution No. 178, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Lee Winfrey, Lebanon, which was adopted.

Senator Shoemyer offered Senate Resolution No. 179, regarding Katie Walker, Hannibal, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Lembke moved that **HCR 5** be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Lembke, **HCR 5** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Bray—1

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Lembke, title to the concurrent resolution was agreed to.

Senator Lembke moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 268**—By Justus.

An Act to repeal sections 59.319 and 215.036, RSMo, and to enact in lieu thereof two new sections relating to the Missouri housing trust fund.

**SB 269**—By Rupp and Cunningham.

An Act to repeal sections 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, and 379.1412, RSMo, and to enact in lieu thereof nine new sections relating to captive insurance companies.

**SB 270**—By Bray.

An Act to repeal sections 130.016, 130.021, and 130.037, RSMo, and to enact in lieu thereof four new

sections relating to campaign contribution limits.

**SB 271**—By Bray.

An Act to amend chapter 135, RSMo, by adding thereto eighteen new sections relating to senior citizen homestead deferral of taxes.

**SB 272**—By Lager.

An Act to repeal section 644.054, RSMo, and to enact in lieu thereof one new section relating to water pollution permit fees.

**SB 273**—By Engler.

An Act to repeal section 577.070, RSMo, and to enact in lieu thereof one new section relating to the death penalty for littering, with penalty provisions.

**SB 274**—By Crowell.

An Act to repeal section 100.286, RSMo, and to enact in lieu thereof one new section relating to the issuance of Missouri development finance board development fund contribution tax credits.

**SB 275**—By Callahan.

An Act to repeal section 173.392, RSMo, and to enact in lieu thereof two new sections relating to higher education tuition.

**SJR 13**—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 (a) of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

Senator Engler requested unanimous consent of the Senate to withdraw **SB 273**, which request was granted.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 31**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 128**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer assumed the Chair.

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

George A. Lombardi, as Director of the Department of Corrections;

Also,

Dr. Jon M. Hagler, as Director of the Department of Agriculture;

Also,

Ronald J. Levy, as Director of the Department of Social Services;

Also,

Lawrence G. Rebman, as Director of the Department of Labor and Industrial Relations;

Also,

John M. Britt, as Director of the Department of Public Safety.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Linda M. Martinez, as Director of the Department of Economic Development, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wright-Jones moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment.

At the request of Senator Wright-Jones, the above motion was withdrawn.

Senator Shields requested unanimous consent of the Senate to have the committee report on Linda M. Martinez, as Director of the Department of Economic Development, returned to the Committee on Gubernatorial Appointments, which request was granted.

### **REFERRALS**

President Pro Tem Shields referred **SCR 14** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Shields assumed the Chair.

### **SIGNING OF CONCURRENT RESOLUTIONS**

The President Pro Tem announced that all other business would be suspended and **HCR 5**, having passed both branches of the General Assembly, would be read at length by the Secretary and, if no

objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

Senator Griesheimer assumed the Chair.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 238**—Ways and Means.

**SB 239**—Judiciary and Civil and Criminal Jurisprudence.

**SB 240**—Transportation.

**SB 241**—Ways and Means.

**SB 242**—Jobs, Economic Development and Local Government.

**SB 243**—Financial and Governmental Organizations and Elections.

**SB 244**—Health, Mental Health, Seniors and Families.

**SB 245**—Commerce, Consumer Protection, Energy and the Environment.

**SB 246**—Jobs, Economic Development and Local Government.

**SB 247**—Jobs, Economic Development and Local Government.

**SB 248**—Jobs, Economic Development and Local Government.

**SB 249**—General Laws.

**SB 250**—Financial and Governmental Organizations and Elections.

**SB 251**—General Laws.

**SB 252**—Governmental Accountability and Fiscal Oversight.

**SB 253**—Jobs, Economic Development and Local Government.

**SB 254**—Governmental Accountability and Fiscal Oversight.

**SB 255**—Education.

**SB 256**—Jobs, Economic Development and Local Government.

**SB 257**—Ways and Means.

**SB 258**—Jobs, Economic Development and Local Government.

**SB 259**—Education.

**SB 260**—Judiciary and Civil and Criminal Jurisprudence.

### **INTRODUCTIONS OF GUESTS**

Senator Nodler introduced to the Senate, Dr. Richard D. Barlet and his wife, Pam, Carthage.

Senator Wilson introduced to the Senate, Dr. Sere S. Myers, Sr., his wife, Mrs. Mary Jane Myers and their children, Stewart S. and Sheryll.

Senator Cunningham introduced to the Senate, Dr. William Moorekamp and his wife, Carol,

Chesterfield.

Senator Days introduced to the Senate, leaders of the Family and Community Trust Board from around the state.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, February 2, 2009.

#### SENATE CALENDAR

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FOURTEENTH DAY—MONDAY, FEBRUARY 2, 2009

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#### FORMAL CALENDAR

#### SECOND READING OF SENATE BILLS

SB 261-Bartle  
SB 262-Bartle  
SB 263-Mayer  
SB 264-Mayer  
SB 265-Mayer, et al  
SB 266-Mayer  
SB 267-Mayer and Green  
SB 268-Justus

SB 269-Rupp and Cunningham  
SB 270-Bray  
SB 271-Bray  
SB 272-Lager  
SB 274-Crowell  
SB 275-Callahan  
SJR 13-Lager

#### SENATE BILLS FOR PERFECTION

SB 128-Rupp, with SCS

#### INFORMAL CALENDAR

#### CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 31-Stouffer

#### RESOLUTIONS

SR 139-Engler  
SR 153-Engler

SR 177-Champion

Reported from Committee

SR 141-Engler

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# Journal of the Senate

FIRST REGULAR SESSION

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**FOURTEENTH DAY—MONDAY, FEBRUARY 2, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“For you, O Lord are my hope, my trust, O Lord, from my youth.” (Psalm 71:5)

Almighty God, we had opportunities to rest in Your great strength this past weekend and now count on it in times of increasing stress and distress. We need Your grace now so we might deal with all that we must do and has to be done. We rely on You O God our rock and fortress and take comfort in Your presence with us. We pray for our Doorkeeper Ken Holman who is recovering from surgery on his broken hip and ask that Your healing touch bring him to health and wholeness once again. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 29, 2009 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Mayer—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 180, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Coy Eakins, Burfordville, which was adopted.

Senator Crowell offered Senate Resolution No. 181, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ronald E. Parker, Leopold, which was adopted.

Senator Crowell offered Senate Resolution No. 182, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Amander Valentine Gross, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 183, regarding S. Edwin Noffel, DDS, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 184, regarding Jerry Siemers, Cape Girardeau County, which was adopted.

Senator Bray offered Senate Resolution No. 185, regarding Gina Lynn Richards, Maryland Heights, which was adopted.

Senator Smith offered Senate Resolution No. 186, regarding Patricia A. Miller, St. Louis, which was adopted.

Senator Shields offered Senate Resolution No. 187, regarding Matthew Doetzel, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 188, regarding Brian Michael Birchler, which was adopted.

Senator Shields offered Senate Resolution No. 189, regarding Thomas Edgar Roth, which was adopted.

Senator Shields offered Senate Resolution No. 190, regarding Maxwell Emory Lanham, which was adopted.

Senator Shields offered Senate Resolution No. 191, regarding Charles Henry Rider, which was adopted.

Senator Champion offered Senate Resolution No. 192, regarding Parker Manning Hall, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 193, regarding John D. Bruton, Nixa, which was adopted.

Senator Champion offered Senate Resolution No. 194, regarding Connie L. Gourley, Springfield, which was adopted.

Senator Justus offered Senate Resolution No. 195, regarding the Kansas City Arts Institute, which was adopted.

Senator Justus offered Senate Resolution No. 196, regarding Linda Lighton, which was adopted.

Senator Justus offered Senate Resolution No. 197, regarding Beth Ingram, which was adopted.

Senator Shields offered Senate Resolution No. 198, regarding Kyle Elder, Weston, which was adopted.

Senator Shields offered Senate Resolution No. 199, regarding Michael Hoffman, Weston, which was adopted.



Senator Shields offered Senate Resolution No. 200, regarding Miles Hochard, which was adopted.

Senator Vogel offered Senate Resolution No. 201, regarding Deborah Lynn Coots, New Bloomfield, which was adopted.

Senator Smith offered Senate Resolution No. 202, regarding Margaret Williams, Saint Louis, which was adopted.

Senator Scott offered Senate Resolution No. 203, regarding Commander Ben Haynes, Jr., Humansville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 204, regarding the One Hundredth Birthday of Hedwie “Hattie” Pieper, New Haven, which was adopted.

Senator Rupp offered Senate Resolution No. 205, regarding Linda L. Toth, Troy, which was adopted.

Senator Nodler offered Senate Resolution No. 206, regarding the 2008 State Champion Webb City High School Cardinals football team, which was adopted.

Senator Lembke offered the following resolution:

SENATE RESOLUTION NO. 207

WHEREAS, the St. Louis Public School District has closed many school buildings in recent years; and

WHEREAS, these school buildings were constructed over the course of the past century with the use of taxpayer money for the purpose of providing a free public education in accordance with the principles of the Missouri Constitution; and

WHEREAS, many of these school buildings remain suitable facilities for providing an education for Missouri's children; and

WHEREAS, the St. Louis Public School District is attempting to sell many of its now closed school buildings; and

WHEREAS, the St. Louis Public School District proposes a restriction in the deed of every building for sale that would prohibit the use of the property for one hundred years for a primary, elementary, or secondary school of any kind, including public charter schools which are funded with public dollars and are free and open to all students in the district, providing instruction for grades kindergarten through twelve; and

WHEREAS, this deed restriction prevents these buildings from being used for the purpose for which they were constructed; and

WHEREAS, these buildings were architecturally designed to be used as school facilities for educating children and, by such a design, cannot easily be used for other purposes; and

WHEREAS, this deed restriction constitutes an inefficient use and a waste of limited resources that could be used in a productive and effective manner to educate children; and

WHEREAS, this deed restriction constitutes a public discredit to institutions of state and local government by needlessly preventing their use and represents a waste of state funds and tax dollars, particularly given the difficult and challenging economic times:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby urge the members of the special administrative board of the transitional school district of the city of St. Louis, the members of the St. Louis public school district board of education, and the superintendent and officers of the St. Louis public school district to remove the one hundred year restriction from the deeds on the use of these school buildings for a primary, elementary, or secondary school of any kind providing instruction for grades kindergarten through twelve, and to respond to the members of the Missouri Senate regarding their compliance at the next public meeting of the special administrative board of the transitional school district of the City of St. Louis; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the members of the special administrative board of the transitional school district of the City of St. Louis, the members of the St. Louis public school district board of education, and the superintendent and officers of the St. Louis public school district, and send them via the United States Postal Service, with return receipt service.

Senator Schmitt offered Senate Resolution No. 208, regarding Matthew Allen James, Manchester, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Shoemyer offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 15**

WHEREAS, the General Assembly established the Lewis and Clark Discovery Fund to support funding of capital improvement projects at public colleges and universities; and

WHEREAS, numerous capital improvement projects have begun; and

WHEREAS, the state of Missouri has been adversely impacted and affected by the downturn in the national economy; and

WHEREAS, moneys from the sale of assets at the Missouri Higher Education Loan Authority are not sufficient to complete the intended capital improvement projects; and

WHEREAS, the following entities have begun the following capital improvement projects and may not have sufficient funds to complete them:

- (1) The Coordinating Board for Higher education for maintenance and repair at community colleges;
- (2) The Department of Economic Development for the Missouri Technology Corporation for the attraction and retention of high technology companies and commercialization of existing research being conducted in Missouri;
- (3) Harris-Stowe University for an early childhood and parent education center;
- (4) Lincoln University for Jason Hall;
- (5) Linn State Technical College for a new facility for heavy equipment technology;
- (6) Missouri Southern State University for a health sciences building;
- (7) Missouri State University for:
  - (a) The implementation of phase one of the facilities reutilization plan; and
  - (b) A business incubator;
- (8) Missouri Western State University for the Agenstein Science and Math facility;
- (9) Northwest Missouri State University, for a center for plant biologics;
- (10) Southeast Missouri State University for:
  - (a) A dental hygiene clinic at the Sikeston facility for use in the distance dental hygiene program done in cooperation with Missouri Southern State University;
  - (b) A business incubator;
  - (c) An addition at the River Campus;
  - (d) An autism center;
- (11) Truman State University for the Pershing Building;
- (12) The University of Central Missouri for the Morrow and Garrison buildings;
- (13) The University of Missouri for:
  - (a) The Ellis Fischel Cancer and medical Education Center on the Columbia campus;
  - (b) The Pharmacy and Nurse Building on the Kansas City campus;
  - (c) A plant science research facility in Mexico, Missouri;
  - (d) The Greenley Learning and Discovery Park;
  - (e) A plant science greenhouse at the Delta Research Center;
  - (f) An education and outreach center in Lawrence County;
  - (g) A meeting and education facility in Atchison and Holt Counties;
  - (h) An agroforestry education and research center and meeting and education facilities in Howard County;
  - (i) A learning discovery center in Gentry County;
  - (j) A headquarters building and meeting room in Grundy County;

- (k) A meeting and education facility in Crawford County;
- (l) Swine confinement buildings and a biomedical swine research facility in Boone County;
- (m) A swine research isolation facility in Callaway County;
- (n) The School of Dentistry on the Kansas City campus;
- (o) A mechanical engineering building on the Rolla campus;
- (p) Construction of Benton and Stadler Halls on the St. Louis campus; and

WHEREAS, the federal government may provide Missouri with moneys for capital improvements as part of a stimulus package, which could be used to fund the completion of these projects:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Governor and the Office of Administration to deposit from any moneys received from the federal government for capital improvements during the 111th Congress, first session, as part of a federal stimulus package, an amount sufficient to fully fund the capital improvement projects identified in this resolution into the Lewis and Clark Discovery Fund for distribution to the entities listed above; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor and the Commissioner of the Office of Administration.

Senator Pearce offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 16

WHEREAS, the state of Missouri has a long history of supporting the military in their mission to protect the American people; and

WHEREAS, Whiteman Air Force Base has a long history of being at the forefront of national defense; and

WHEREAS, the United States Air Force is establishing a new major command responsible for all Air Force nuclear operations, and this Global Strike Command will bring the Air Force's B-52 and B-2 bombers and intercontinental ballistic missiles under one command; and

WHEREAS, the United States Air Force is in the process of selecting the location of the permanent headquarters for Global Strike Command; and

WHEREAS, Whiteman Air Force Base is one of six bases where Air Force officials are considering stationing the permanent headquarters of Global Strike Command; and

WHEREAS, state and local organizations, including the Missouri Military Preparedness and Enhancement Commission, the Warrensburg City Council, the Whiteman Area Leadership Council, the Whiteman Air Force Base Community Council, the Military Affairs Committee of the Warrensburg Chamber of Commerce, and the Daily Star-Journal, support the choice of Whiteman Air Force Base as the permanent headquarters for Global Strike Command:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby strongly support the choice of Whiteman Air Force Base as the permanent headquarters of the Air Force's Global Strike Command and urge the United States Air Force to select Whiteman Air Force Base as the headquarters of the new Global Strike Command; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Secretary of Defense, the Secretary of the Air Force, and each member of Missouri's congressional delegation.

Senator Shields offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 17

WHEREAS, the Council of State Governments is a nonpartisan, nonprofit organization which forecasts policy trends for the community of states, commonwealths, and territories on a national and regional basis; and

WHEREAS, the Council of State Governments serves executive, judicial, and legislative branches of state government through leadership education, research, and information services; and

WHEREAS, the Council of State Governments currently comprises four regions, including the Eastern Region, Midwestern Region, Southern Region, and Western Region; and

WHEREAS, the state of Missouri is currently a member of the Southern Region of the Council of State Governments; and

WHEREAS, the council's unique structure focuses on the needs and special concerns of the four regions of the United States; and

WHEREAS, as a member of the Southern Region of the Council of State Governments, the state of Missouri has been honored to work with the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia; and

WHEREAS, since the state of Missouri is physically located in the center of the United States in the region commonly known as the "Midwest", it would be more appropriate for the state to be a member of the Midwestern Region of the Council of State Governments:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby petition the Council of State Governments to remove the State of Missouri's membership from the Southern Region of the Council and place this state's membership into the Midwestern Council of State Governments; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Joe Manchin III of West Virginia, President of the Council of State Governments; Senator Bart Davis of Idaho, Chair of the Council of State Governments; Colleen Cousineau, Executive Director of the Southern Legislative Conference of the Council of State Governments; and Michael H. McCabe, Director of the Midwestern Region of the Council of State Governments.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 276**—By Barnitz.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes for tourism.

**SB 277**—By Cunningham.

An Act to amend chapters 362 and 369, RSMo, by adding thereto two new sections relating to irrevocable life insurance trusts.

**SB 278**—By Cunningham.

An Act to repeal section 620.472, RSMo, and to enact in lieu thereof one new section relating to job training.

**SB 279**—By Schmitt.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the Small Business and Entrepreneurial Growth Act.

**SB 280**—By Rupp and Cunningham.

An Act to repeal sections 143.441, 147.010, and 148.370, RSMo, and to enact in lieu thereof three new sections relating to taxation of insurance companies.

**SB 281**—By Bray.

An Act to repeal section 643.020, RSMo, and to enact in lieu thereof two new sections relating to light pollution.

**SB 282**—By Bray.

An Act to amend chapter 407, RSMo, by adding thereto eleven new sections relating to consumer protection for home owners, with penalty provisions.

**SB 283**—By Lembke.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance co-payments and co-insurance.

**SB 284**—By Lembke.

An Act to repeal section 320.097, RSMo, and to enact in lieu thereof one new section relating to fire department employee residency requirements.

**SB 285**—By Lembke.

An Act to amend chapter 348, RSMo, by adding thereto two new sections relating to a tax credit for equity investments in technology-based early stage Missouri companies.

**SB 286**—By Schaefer.

An Act to repeal section 67.402, RSMo, and to enact in lieu thereof one new section relating to nuisance abatement ordinances.

**SB 287**—By Schaefer.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to a central repository of information for school districts.

**SB 288**—By Schaefer.

An Act to repeal section 620.1039, RSMo, and to enact in lieu thereof one new section relating to a tax credit for qualified research expenses.

**SB 289**—By Griesheimer.

An Act to repeal section 238.202, RSMo, and to enact in lieu thereof one new section relating to transportation development districts.

**SB 290**—By Crowell.

An Act to repeal sections 105.915 and 105.927, RSMo, and to enact in lieu thereof two new sections relating to the state employee deferred compensation program.

**SB 291**—By Shields.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to virtual courses offered by school districts.

**RESOLUTIONS**

Senator Engler moved that **SR 141** be taken up for adoption, which motion prevailed.

Senator Lager assumed the Chair.

Senator Bray offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Resolution No. 141, as it appears on Page 178 of the Senate Journal for Monday, January 26, 2009, Line 25 of said journal page, by striking the opening bracket “[” and closing bracket “]” from said line; and further amend lines 26-27 of said journal page, by striking all of the bold-faced language from said

lines; and further amend line 34 of said journal page, by inserting immediately after “area.” the following:

**“3. Except as otherwise provided in this rule, no electronic communication devices shall be used in the Senate Chamber, including cellular phones and email and web accessible devices.”.**

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Scott offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Resolution No. 141, as it appears on Page 178 of the Senate Journal for Monday, January 26, 2009, Line 26 of said journal page, by inserting after the word “completely” the following:

**“, and shall refrain from using any electronic communication device, including a cellular phone and email and web accessible devices,”.**

Senator Scott moved that the above amendment be adopted.

Senator Engler requested a roll call vote be taken and was joined in his request by Senators Bartle, Shields, Nodler and Green.

**SA 2** was adopted by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Nodler	Pearce	Purgason	Schaefer	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson	Wright-Jones—28				

#### NAYS—Senators

McKenna	Rupp	Schmitt	Smith—4
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Absent—Senator Ridgeway—1

Absent with leave—Senator Mayer—1

Vacancies—None

Senator Shields offered **SA 3**, which was read:

#### SENATE AMENDMENT NO. 3

Amend Senate Resolution No. 141, as it appears on Page 178 of the Senate Journal for Monday, January 26, 2009, Line 26 of said journal page, by inserting after the second use of the word “discussion.” the following:

**“A clock shall be installed at each entrance to the chamber and the secretary of the senate shall track the time that each senator arrives and departs the senate chamber. Such arrivals and departures shall be printed as part of the senate journal for each day.”.**

Senator Shields moved that the above amendment be adopted.

At the request of Senator Shields, **SA 3** was withdrawn.

Senator Nodler offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Resolution No. 141, as it appears on Page 178 of the Senate Journal for Monday, January 26, 2009, Line 26 of said journal page, by inserting after the second use of the word “discussion.” the following:

**“The use of a laptop computer by a senator in the Senate Chamber shall be limited to only official senate business.”.**

Senator Nodler moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Engler, McKenna and Smith.

**SA 4** was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Days	Dempsey	Engler	Goodman
Griesheimer	Justus	Lager	Lembke	McKenna	Nodler	Schmitt	Shoemyer
Smith	Stouffer	Wilson	Wright-Jones—20				

NAYS—Senators

Bartle	Clemens	Crowell	Cunningham	Green	Pearce	Purgason	Rupp
Schaefer	Scott	Shields	Vogel—12				

Absent—Senator Ridgeway—1

Absent with leave—Senator Mayer—1

Vacancies—None

Senator Shields offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Resolution No. 141, as it appears on Page 178 of the Senate Journal for Monday, January 26, 2009, Line 33 of said journal page, by inserting immediately after “area.” the following: “; and

BE IT FURTHER RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that the temporary rules adopted January 7, 2009, as amended, hereby be adopted as the permanent rules of the Missouri Senate for the Ninety-fifth General Assembly”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham was recognized to interrogate Senator Shields.

Senator Rupp raised the point of order that a prop was used during the debate between Senators Cunningham and Shields.

The point of order was referred to the President Pro Tem who took it under advisement.

At the request of Senator Engler, **SR 141**, as amended, was placed back on the calendar, with the point of order pending.

**SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**SB 261**—Judiciary and Civil and Criminal Jurisprudence.

**SB 262**—General Laws.

**SB 263**—General Laws.

**SB 264**—Judiciary and Civil and Criminal Jurisprudence.

**SB 265**—Judiciary and Civil and Criminal Jurisprudence.

**SB 266**—Jobs, Economic Development and Local Government.

**SB 267**—General Laws.

**SB 268**—Progress and Development.

**SB 269**—Small Business, Insurance and Industry.

**SB 270**—General Laws.

**SB 271**—Ways and Means.

**SB 272**—Commerce, Consumer Protection, Energy and the Environment.

**SB 274**—Governmental Accountability and Fiscal Oversight.

**SB 275**—Education.

**SJR 13**—Governmental Accountability and Fiscal Oversight.

**INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, United States Congressman Blaine Luetkemeyer, St. Elizabeth.

On motion of Senator Engler, the Senate adjourned under the rules.

**SENATE CALENDAR**  

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**FIFTEENTH DAY—TUESDAY, FEBRUARY 3, 2009**

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**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 276-Barnitz  
SB 277-Cunningham  
SB 278-Cunningham

SB 279-Schmitt  
SB 280-Rupp and Cunningham  
SB 281-Bray



SB 282-Bray  
SB 283-Lembke  
SB 284-Lembke  
SB 285-Lembke  
SB 286-Schaefer

SB 287-Schaefer  
SB 288-Schaefer  
SB 289-Griesheimer  
SB 290-Crowell  
SB 291-Shields

SENATE BILLS FOR PERFECTION

SB 128-Rupp, with SCS

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 31-Stouffer

RESOLUTIONS

SR 139-Engler  
SR 153-Engler

SR 177-Champion

Reported from Committee

SR 141-Engler, with point of order  
(pending)

To be Referred

SR 207-Lembke  
SCR 15-Shoemyer

SCR 16-Pearce  
SCR 17-Shields

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# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTEENTH DAY—TUESDAY, FEBRUARY 3, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“As the eye needs light to see, so the soul needs labor to comprehend.” (Philo)

Gracious God, as we begin a new day working together, we are grateful that we have this work to do for it helps us to understand what is required of us, how our values and ethics come to play in our decisions and how our relationship with You is called forth and our soul magnifies Your gracious guidance in our yeas and nays. So we give You thanks and praise for this opportunity. In Your Gracious Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Shields offered Senate Resolution No. 209, regarding Alexander Thomas Tritico, which was adopted.

Senator Schaefer offered the following resolution:

**SENATE RESOLUTION NO. 210**

WHEREAS, television broadcasting in the United States will switch from analog to digital after February 17th of this year; and

WHEREAS, without the purchase and installation of a signal converter box, many analog televisions will become obsolete after that date; and

WHEREAS, instead of using a converter box to extend the life of an analog television, many Missourians may choose to purchase a new digital television and discard their older t.v.'s; and

WHEREAS, televisions can contain various amounts of heavy metals such as lead, chromium, and mercury, which in certain concentrations can be harmful to human health and the environment; and

WHEREAS, if disposed of improperly, hazardous substances and heavy metals can leach out of solid waste landfills and poison the state's soil and water resources; and

WHEREAS, much of the material used to make a television set is reusable and recyclable; and

WHEREAS, the Missouri Department of Natural Resources coordinates the recycling of electronic waste, or "e-waste," to prevent e-waste from accumulating in landfills; and

WHEREAS, there are a number of e-waste recyclers that operate in the state that are prepared and equipped to safely recycle old t.v.'s; and

WHEREAS, many communities have already scheduled local e-waste collection events where their citizens may drop off their unwanted electronic consumer goods to prevent them from going into the communities' landfills:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, strongly urge the citizens of Missouri to recycle their analog televisions if they do not intend to keep them after the national switch to digital broadcasting; and

BE IT FURTHER RESOLVED the Missouri Senate encourages Missourians to find out about where to recycle their unwanted analog televisions by contacting their community solid waste program, the Missouri Department of Natural Resources at 1-800-361-4827, visit the department's Internet website at <http://www.dnr.mo.gov/ecyclemo/events.htm> to find a list of scheduled e-waste collection events, or [www.dnr.mo.gov/env/hwp/computerlist.htm](http://www.dnr.mo.gov/env/hwp/computerlist.htm) to find a list of recognized e-waste recyclers; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri Association of Counties, the Missouri Municipal League and the Missouri Department of Natural Resources.

Senator Nodler offered the following resolution:

**SENATE RESOLUTION NO. 211****NOTICE OF PROPOSED RULE CHANGE**

Notice is hereby given by the Senator from Jasper County of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that Senate Rule 28 be amended to read as follows:

"Rule 28. The duties of the standing committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee

or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Agriculture, Food Production and Outdoor Resources shall consider and report upon bills and matters referred to it relating to animals, animal disease, pest control, agriculture, food production, the state park system, conservation of the state's natural resources, soil and water, wildlife and game refuges.

3. The Committee on Appropriations shall consider and report upon **all** bills and matters referred to it pertaining to general appropriations and disbursement of public money.

4. The Committee on Commerce, Consumer Protection, Energy and the Environment shall consider and report upon bills and matters referred to it relating to the development of state commerce, the commercial sector, consumer protection, telecommunications and cable issues, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental preservation.

5. The Committee on Education shall consider and report upon bills and matters referred to it relating to education in the state, including the public schools, libraries, programs and institutions of higher learning.

6. The Committee on Financial and Governmental Organizations and Elections shall consider and report upon bills and matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also consider and report upon bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider and report upon bills and matters referred to it relating to election law.

7. The Committee on General Laws shall consider and report upon bills and matters referred to it relating to general topics.

8. The Committee on Governmental Accountability and Fiscal Oversight shall consider and report upon all bills, except regular appropriation bills, that require new appropriations or expenditures of appropriated funds in excess of \$100,000, or that reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Governmental Accountability and Fiscal Oversight. The author or first-named sponsor of a bill referred to the Committee on Governmental Accountability and Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Governmental Accountability and Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee. The committee shall also consider and report upon bills and matters referred to it relating to tax credits, tax credit reform, budget reform, governmental efficiency and management.

9. The Committee on Gubernatorial Appointments shall consider and report upon gubernatorial appointments referred to it.

10. The Committee on Health, Mental Health, Seniors and Families shall consider and report upon bills and matters referred to it concerning health, Mo HealthNet, alternative health care delivery system proposals, mental health, developmental disabilities, and substance abuse and addiction. It shall also consider and report upon bills and matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, and family and children's issues. It shall also consider and report upon bills and matters referred to it concerning income maintenance, social services, child support enforcement, public health, disease control, and hospital operations.

11. The Committee on Jobs, Economic Development and Local Government shall consider and report upon bills and matters referred to it relating to the promotion of economic development, the creation and retention of jobs, tourism and the promotion of tourism as a state industry, community and business development, county government, township organizations and political subdivisions.

12. The Committee on the Judiciary and Civil and Criminal Jurisprudence shall consider and report upon bills and matters relating to the judicial department of the state including the practice of the courts of this state, civil procedure and criminal laws, criminal costs and all related matters. The Committee shall also consider and report upon bills and matters referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

13. The Committee on Progress and Development shall consider and report upon bills and matters referred to it concerning the changing or maintenance of issues relating to human welfare.

14. The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon bills and matters referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

15. The Committee on Small Business, Insurance and Industry shall consider and report upon bills and matters referred to it relating to the ownership and operation of small businesses; and life, accident, indemnity and other forms of insurance. The committee shall also take into consideration and report on bills relating to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine bills referred to it relating to industrial development.

16. The Committee on Transportation shall consider and report upon bills and matters referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles, motor vehicle registration and drivers' licenses.

17. The Committee on Veterans' Affairs, Pensions and Urban Affairs shall consider and report upon bills and matters concerning veterans' affairs. The committee shall also consider and report upon bills and matters referred to it concerning retirement, pensions and pension plans; and urban renewal, housing and other matters relating to urban areas.

18. The Committee on Ways and Means shall consider and report upon bills and matters referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.”; and

BE IT FURTHER RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that the temporary rules adopted January 7, 2009, as amended, hereby be adopted as the permanent rules of the Missouri Senate for the Ninety-fifth General Assembly.

Senator Lembke offered Senate Resolution No. 212, regarding Senior Chief Yeoman Kevin Martin, Affton, which was adopted.

Senator Engler moved that **SR 153** be taken up for adoption, which motion prevailed.

On motion of Senator Engler, **SR 153** was adopted.

### CONCURRENT RESOLUTIONS

Senators Bartle and Rupp offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 18

WHEREAS, the Emergency Economic Stabilization Act of 2008, commonly known as the “bailout plan”, became law on October 3, 2008; and

WHEREAS, the bailout plan authorized the United States Treasury to spend up to seven hundred billion dollars to purchase distressed assets and attempt to inject money into the banking industry; and

WHEREAS, the bailout plan requires little or no transparency or accountability regarding the use of taxpayers' money; and

WHEREAS, the bailout plan has committed the United States government to squander taxpayer money by buying illiquid assets at above-market values and therefore requiring the American public to overpay for these illiquid assets of Wall Street; and

WHEREAS, the economic problems of the United States were created largely by unwise policies by the federal government that incited banks to abandon common-sense lending standards, leading to excess credit and debt being accumulated and ultimately creating a tremendous number of bad mortgages that have had a toxic effect on the overall economic health of our nation; and

WHEREAS, the United States Congress is currently proposing to spend hundreds of billions of additional taxpayer dollars on new bailout proposals which primarily serve to expand government involvement in the private sector and to promote wasteful government spending on unnecessary programs which will result in tremendous debt for our government and citizenry without realistic prospects of meaningful benefit to the economy and will leave to future generations of Americans a staggering debt to repay:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby express our strong disapproval of the actions of the United States federal government in passing and implementing the Emergency Economic Stabilization Act of 2008 to the detriment of our nation's future economic prosperity; and

BE IT FURTHER RESOLVED that the Missouri General Assembly strongly urges Congress to oppose and refuse to pass any further legislation providing blanket financial assistance to, or “bailing out” of, certain segments of our economy; and

BE IT FURTHER RESOLVED that if Congress persists in this unwise course of action that any and all “bailout” funds given to the State of Missouri come only in the form of a block grant without any requirements that these funds be spent on social programs or other dedicated projects so that the Missouri General Assembly might return these dollars to the taxpayers of the State of Missouri to spend as they see fit; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Missouri congressional delegation.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 292**—By Justus.

An Act to repeal section 620.1881, RSMo, and to enact in lieu thereof three new sections relating to certain tax credit programs administered by the department of economic development.

**SB 293**—By Barnitz, Mayer, Purgason and Shoemyer.

An Act to repeal sections 304.170 and 304.260, RSMo, and to enact in lieu thereof two new sections relating to tractor parades.

**SB 294**—By Barnitz.

An Act to repeal section 355.151, RSMo, and to enact in lieu thereof one new section relating to corporate name reservation.

**SB 295**—By Scott.

An Act to repeal sections 337.500 and 337.510, RSMo, and to enact in lieu thereof two new sections relating to licensed professional counselors.

**SB 296**—By Scott.

An Act to amend chapter 327, RSMo, by adding thereto one new section relating to the licenses of professions regulated by the board for architects, professional engineers, professional land surveyors, and landscape architects.

**SB 297**—By Scott.

An Act to repeal sections 414.530, 414.560, and 414.570, RSMo, and to enact in lieu thereof three new sections relating to the Missouri propane education and research council.

**SB 298**—By Scott.

An Act to repeal sections 327.031, 327.411, and 327.351, RSMo, and to enact in lieu thereof three new sections relating to professions regulated by the board for architects, professional engineers, professional land surveyors and landscape architects.

**SB 299**—By Griesheimer.

An Act to repeal sections 393.275 and 393.1012, RSMo, and to enact in lieu thereof two new sections relating to gas corporations.

**SB 300**—By Bray.

An Act to repeal sections 143.011, 143.021, and 143.171, RSMo, and to enact in lieu thereof four new sections relating to individual income tax, with a referendum clause.

**SB 301**—By Pearce.

An Act to amend chapter 650, RSMo, by adding thereto seven new sections relating to law enforcement canine team certification.

**SB 302**—By Smith.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to after school programs for public school students.

**SB 303**—By Smith.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to instant runoff voting.

**SB 304**—By Crowell.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to access to the dome of the state capitol.

### RESOLUTIONS

Senator Champion moved that **SR 177** be taken up for adoption, which motion prevailed.

Senator Lager assumed the Chair.

Senator Shields offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 177, as it appears on Page 213 of the Senate Journal for Wednesday, January 28, 2009, Line 19 of said journal page, by inserting immediately after “bill.” the following: “; and

BE IT FURTHER RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that the temporary rules adopted January 7, 2009, as amended, hereby be adopted as the permanent rules of the Missouri Senate for the Ninety-fifth General Assembly.”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Scott assumed the Chair.

On motion of Senator Champion, **SR 177**, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

February 2, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gracia L. Backer, 2885 State Road TT, New Bloomfield, Callaway County, Missouri 65063, as Director of the Division of Employment Security, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully Submitted,  
JEREMIAH W. (JAY) NIXON  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

February 2, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jane A. Rackers, 6900 Whippoorwill, Jefferson City, Cole County, Missouri 65101, as Director of the Division of Professional Registration, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully Submitted,  
JEREMIAH W. (JAY) NIXON  
Governor



President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

### **REFERRALS**

President Pro Tem Shields referred **SR 207**; **SCR 15**; **SCR 16**; and **SCR 17** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 276**—Jobs, Economic Development and Local Government.

**SB 277**—Small Business, Insurance and Industry.

**SB 278**—Jobs, Economic Development and Local Government.

**SB 279**—Jobs, Economic Development and Local Government.

**SB 280**—Small Business, Insurance and Industry.

**SB 281**—Agriculture, Food Production and Outdoor Resources.

**SB 282**—Commerce, Consumer Protection, Energy and the Environment.

**SB 283**—Small Business, Insurance and Industry.

**SB 284**—Jobs, Economic Development and Local Government.

**SB 285**—Jobs, Economic Development and Local Government.

**SB 286**—Jobs, Economic Development and Local Government.

**SB 287**—Education.

**SB 288**—Jobs, Economic Development and Local Government.

### **INTRODUCTIONS OF GUESTS**

Senator Vogel introduced to the Senate, members of the Division of Youth Services Advisory Board.

Senator Barnitz introduced to the Senate, Russell Scheulen, Ray Schwartz, Terry Libbert, James Morgan, Vince Sampson, Elmer Senevey, Jerry Wolfe, Richard Cavender, Bonnie Prigge, Tammy Snodgrass, Mary Heywood and Marcus Maggard, members of Meramec Regional Planning Commission.

Senator Callahan introduced to the Senate, the Physician of the Day, Dr. Daniel T. Purdom, M.D., Independence; and Chris Blanner, Raytown.

Senator Cunningham introduced to the Senate, Ellen Bredenkoetter, St. Louis.

Senator Lager introduced to the Senate, the Great Northwest Delegation.

Senator Wilson introduced to the Senate, Cokethea Hill and Wayne Thompson, Jr., Kansas City.

Senator Dempsey introduced to the Senate, Dr. Bernard DuBray, Superintendent and Dr. Patty Corum, Deputy Superintendent, Fort Zumwalt School District.

On motion of Senator Engler, the Senate adjourned under the rules.

SENATE CALENDAR

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SIXTEENTH DAY—WEDNESDAY, FEBRUARY 4, 2009

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 289-Griesheimer	SB 297-Scott
SB 290-Crowell	SB 298-Scott
SB 291-Shields	SB 299-Griesheimer
SB 292-Justus	SB 300-Bray
SB 293-Barnitz, et al	SB 301-Pearce
SB 294-Barnitz	SB 302-Smith
SB 295-Scott	SB 303-Smith
SB 296-Scott	SB 304-Crowell

SENATE BILLS FOR PERFECTION

SB 128-Rupp, with SCS

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 31-Stouffer

RESOLUTIONS

SR 139-Engler

SR 211-Nodler

Reported from Committee

SR 141-Engler, with point of order  
(pending)

To be Referred

SR 210-Schaefer

SCR 18-Bartle and Rupp

# Journal of the Senate

FIRST REGULAR SESSION

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**SIXTEENTH DAY—WEDNESDAY, FEBRUARY 4, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Sing to God, sing praises to his name..” (Psalm 68:1)

O God, our Comforter, we praise You for Your help and Your generosity. We ask that we may follow Your teachings and by our action give You glory. And when we misunderstand what You would have us do, we ask for forgiveness and that You set us back on the right pathways You desire us to follow. May Your Holy Spirit abide in us and give us His gifts. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Green offered Senate Resolution No. 213, regarding Captain James M. Gieseke, Florissant, which was adopted.

Senator Schaefer offered Senate Resolution No. 214, regarding the 2008 University of Missouri Women's Soccer team, which was adopted.

Senator Crowell offered Senate Resolution No. 215, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. August Glaab, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 216, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. L.R. Green, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 217, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ivan Heise, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 218, regarding Russell Sprengel, Cape Girardeau, which was adopted.

Senator McKenna offered Senate Resolution No. 219, regarding Spencer Alexander, Pevely, which was adopted.

Senator Griesheimer offered Senate Resolution No. 220, regarding Kyle Holmes Saunders, Villa Ridge, which was adopted.

Senator Goodman offered Senate Resolution No. 221, regarding Cassville R-IV School District, which was adopted.

Senator Goodman offered Senate Resolution No. 222, regarding Miller R-II School District, which was adopted.

Senator Goodman offered Senate Resolution No. 223, regarding Pierce City R-VI School District, which was adopted.

Senator Goodman offered Senate Resolution No. 224, regarding Marionville R-IX School District, which was adopted.

Senator Goodman offered Senate Resolution No. 225, regarding Mt. Vernon R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 226, regarding Aurora R-VIII School District, which was adopted.

Senator Goodman offered Senate Resolution No. 227, regarding Bakersfield R-IV School District, which was adopted.

Senator Goodman offered Senate Resolution No. 228, regarding Gainesville R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 229, regarding Dora R-III School District, which was adopted.

Senator Goodman offered Senate Resolution No. 230, regarding Hurley R-I School District, which was adopted.

Senator Goodman offered Senate Resolution No. 231, regarding Reeds Spring R-IV School District, which was adopted.

Senator Goodman offered Senate Resolution No. 232, regarding Blue Eye R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 233, regarding Branson R-IV School District, which was adopted.

Senator Shields, joined by the entire membership, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 234

Whereas, the members of the Missouri Senate occasionally pause in their diverse legislative endeavors in order to express their high regard for state employees who have contributed an exceptional amount of time and energy to ensuring the success of this legislative body; and

Whereas, Beauford Wayne “B.W.” Robinson is currently serving in his twenty-third legislative session as a Doorkeeper and Tour Guide for the Missouri Senate; and

Whereas, a bonafide legend around the capitol, B.W. Robinson brings to his work as a Doorkeeper and Tour Guide a wealth of knowledge, skills, and experiences garnered from earlier employment as an educator who served for a number of years as the Superintendent of the Rolla School District; and

Whereas, in 1964 B.W. Robinson drew his duties and responsibilities with Rolla schools to a close to become the Missouri Director of Vocational and Technical Education under whose leadership the state developed fifty-three vocational education programs throughout the state; and

Whereas, during his career in education, B.W. Robinson developed certification requirements for Missouri teachers, authored the Missouri plan for vocational education, guided the development of curriculum guides for teachers, and expanded the role of women in vocational education; and

Whereas, no stranger to honors and accolades, B.W. Robinson was awarded the Missouri Vocational Association's Distinguished Honor Citation in 1982, just a few short years prior to his retirement as Director of Vocational and Technical Education in 1985 and the start of his new career as a Senate Doorkeeper and Tour Guide; and

Whereas, B.W. Robinson also is the recipient of the Distinguished Alumni Award from the MU Alumni Association, was tapped as a member of Mizzou's Mystical 7 Honor Society, was named as an “Outstanding Citizen” by the Jefferson City Chamber of Commerce, and is the namesake of the B.W. Robinson State School in Rolla:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fifth General Assembly, join to applaud the personal and professional accomplishments garnered thus far in the life and work of B.W. Robinson and to convey to him this legislative body's most heartfelt commendation of his efforts as a Senate Doorkeeper and Tour Guide during this, his twenty-third legislative session; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Beauford Wayne “B.W.” Robinson.

Senator Mayer offered Senate Resolution No. 235, regarding A.J. Siegler, Puxico, which was adopted.

Senator Mayer offered Senate Resolution No. 236, regarding Ryan Hartman, Puxico, which was adopted.

Senator Mayer offered Senate Resolution No. 237, regarding Adam Rath, Puxico, which was adopted.

Senator Nodler moved that **SR 211** be taken up for adoption, which motion prevailed.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 211, as it appears on Page 235 of the Senate Journal for Tuesday,

February 3, 2009, Line 43 of said journal page, by striking “Mo HealthNet” and inserting in lieu thereof the following: “MO HealthNet”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Nodler, **SR 211**, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Justus	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Griesheimer Lager Stouffer—3

Absent with leave—Senators—None

Vacancies—None

Senators Bray, Griesheimer, Schmitt, Pearce, Shoemyer, Justus and Schaefer offered the following resolution:

SENATE RESOLUTION NO. 238

WHEREAS, Congress and the new Administration are working to shape federal policy to respond to the nation's economic crisis; and

WHEREAS, Congress and the new Administration are working to stimulate the economy by some of the largest public works investment in 50 years; and

WHEREAS, difficult choices must be made in determining what types of investments to make in the nation's infrastructure in any federal stimulus and recovery act; and

WHEREAS, passenger train service offers some of the best return on investment as expanded and improved passenger train service is not only an environmentally-friendly transportation choice, but a permanent source of economic development by tying together cities and regions and finally a creator of permanent jobs both in the operation of the service and in the maintenance of the trainsets, tracks, and related infrastructure; and

WHEREAS, railroad jobs, whether with Amtrak, the host freight railroads or railroad suppliers are typically good-paying full-time jobs with benefits that usually pay more than the nation's median income; and

WHEREAS, the United States' passenger rail service is far inferior to those of our global competitors due largely to a lack of rigorous federal investment over the last 50 years; and

WHEREAS, recently the federal government has begun to invest in passenger rail and the upcoming debate over American Recovery and Reinvestment Plan is an opportunity to fully invest in passenger rail as part of the Plan:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby urge Congress and President Barack Obama to maximize the investment in expanded and improved passenger train service as part of the American Recovery and Reinvestment Plan; and

BE IT FURTHER RESOLVED, that the members of the Missouri Senate urge Congress and President Barack Obama to take full advantage of this opportunity for a full, vigorous federal investment in expanding and improving passenger train service with 100 percent federal sources to build the foundation for lasting prosperity with environmentally-friendly connections between cities and towns in the region and the nation; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for each member of Missouri's congressional delegation and for President Barack Obama.

Senators Champion and Engler offered Senate Resolution No. 239, regarding Bill Rowe, Springfield, which was adopted.

Senator Crowell offered Senate Resolution No. 240, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Michael Baker, Sikeston, which was adopted.

Senator Mayer assumed the Chair.

### **CONCURRENT RESOLUTIONS**

Senator Crowell offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 19**

WHEREAS, in April 2003, the state of Missouri issued \$387,425,000 in Series A revenue bonds; and

WHEREAS, the proceeds of such bonds were used for a new State Health Lab, the University of Missouri-Kansas City Pharmacy building, and various maintenance and repair projects at universities across the state; and

WHEREAS, the state also used approximately \$89 million of the bond proceeds to reimburse the state general revenue fund for previously completed capital improvement projects that used money from the state general revenue fund, as such reimbursement was necessary to cover a budget shortfall for fiscal year 2003; and

WHEREAS, the debt service on the Series A 2003 revenue bonds is approximately \$28 million annually and will continue until 2029; and

WHEREAS, if the state pays the bonds off at maturity in 2029, the state will have paid approximately \$695.7 million in principal and interest; and

WHEREAS, the bonds are callable in fiscal year 2014 with a payoff cost of \$311.2 million, which would result in a savings of \$123.6 million for the state; and

WHEREAS, in order to have the funds necessary to pay off the Series A 2003 bonds at their call date in fiscal 2014, the state needs to create a sinking fund where funds could be appropriated each year leading up to the call date; and

WHEREAS, the Board of Public Buildings must approve any early payoff of the Series A 2003 revenue bonds:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the office of administration to create a sinking fund to collect moneys needed to payoff the Series A 2003 revenue bonds at the time the bonds are callable in fiscal year 2014; and

BE IT FURTHER RESOLVED that the General Assembly urges the Board of Public Buildings to approve the early payoff of the bonds in order to save the state approximately \$123.6 million that the state would have otherwise paid in principal and interest over the lifetime of the bonds; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Commissioner of the Office of Administration and each member of the Board of Public Buildings.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 305**—By Dempsey, Pearce and Schaefer.

An Act to amend chapter 172, RSMo, by adding thereto six new sections relating to science and technology reinvestment districts, with an emergency clause.

**SB 306**—By Dempsey, Schmitt, Schaefer and Pearce.

An Act to amend chapter 208, RSMo, by adding thereto fourteen new sections relating to the show-me health coverage plan.

**SB 307**—By Dempsey and Rupp.

An Act to amend chapter 190, RSMo, by adding thereto fifteen new sections relating to ambulance

service reimbursement allowance tax, with an expiration date.

**SB 308**—By Bray.

An Act to amend chapter 192, RSMo, by adding thereto five new sections relating to a health care quality report card.

**SB 309**—By Bray.

An Act to repeal sections 191.765, 191.767, 191.769, 191.771, 191.775, 191.776, and 577.070, RSMo, and to enact in lieu thereof seven new sections relating to smoking-related offenses, with penalty provisions.

**SB 310**—By Bartle.

An Act to amend chapter 590, RSMo, by adding thereto one new section relating to recording of custodial suspect interrogations, with penalty provisions.

**SB 311**—By Goodman.

An Act to repeal section 434.100, RSMo, and to enact in lieu thereof one new section relating to the treatment of indemnification and hold harmless clauses within construction work contracts.

**SB 312**—By Goodman.

An Act to repeal sections 513.600, 513.605, 513.607, 513.610, 513.612, 513.615, 513.617, 513.620, 513.623, 513.625, 513.630, 513.635, 513.637, 513.640, 513.645, 513.647, 513.649, 513.651, and 513.653, RSMo, and to enact in lieu thereof twenty-five new sections relating to criminal forfeiture, with penalty provisions.

**SB 313**—By Nodler and Bray.

An Act to amend chapter 30, RSMo, by adding thereto two new sections relating to the receipt of federal economic stimulus funds.

## **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Linda M. Martinez, as Director of the Department of Economic Development, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wright-Jones moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment.

At the request of Senator Wright-Jones, the above motion was withdrawn.

Senator Shields requested unanimous consent of the Senate to have the committee report on Linda M. Martinez, as Director of the Department of Economic Development, returned to the Committee on Gubernatorial Appointments, which request was granted.

President Pro Tem Shields assumed the Chair.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families,



submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 47**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics has approved the Senate Democrat Caucus, with the hereto attached list of members.

Frank A. Barnitz

Timothy P. Green

Jeff Smith

Joan Bray

Jolie L. Justus

Yvonne Wilson

Victor Callahan

Ryan McKenna

Robin Wright-Jones

Rita Heard-Days

Wes Shoemyer

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics has approved the Senate Majority Caucus, with the hereto attached list of members.

Jim Lembke

Luann Ridgeway

Delbert Scott

Scott Rupp

Kurt Schaefer

Jack Goodman

Kevin Engler

Dan Clemens

Norma Champion

Carl Vogel

Bill Stouffer

David Pearce

Jane Cunningham

Tom Dempsey

Gary Nodler

Matt Bartle

Rob Mayer

Chuck Purgason

Brad Lager

John Griesheimer

Charlie Shields

Eric Schmitt

Jason Crowell

### **REFERRALS**

President Pro Tem Shields referred **SR 210** and **SCR 18** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Mayer assumed the Chair.

### **INTRODUCTIONS OF GUESTS**

Senator Nodler introduced to the Senate, Richard McLaren, Carl Junction.

Senator Nodler introduced to the Senate, Dr. Ron Lankford, Superintendent, Coach John Roderique and sixty-five members of the Class 4 A State Champion Webb City High School football team.

Senator Schaefer introduced to the Senate, Elizabeth Douglas, Tera Missoi, Nathan Hessmann, Dr. Jim Luetkemeyer, M.D., Tom Essman, Linda Tsai, Michael Korenfeld and Nancy Holekamp, members of

Missouri Society of Eye Physicians and Surgeons.

Senator Wright-Jones introduced to the Senate, Meg Ortmeier and Karla Johansen, Jefferson City.

Senator Green introduced to the Senate, Annie Seal, Caryn Boultinghouse, Dr. Kimberli McCallum, M.D. and former State Representative May Scheve Reardon, St. Louis.

Senator Wright-Jones introduced to the Senate, Chief Dan Isom, Colonel Chris Goodson and Dave Heath, members of the St. Louis City Police Department.

Senator Shoemyer introduced to the Senate, Gary Webb and Howard Ramsey.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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SEVENTEENTH DAY—THURSDAY, FEBRUARY 5, 2009

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 289-Griesheimer  
 SB 290-Crowell  
 SB 291-Shields  
 SB 292-Justus  
 SB 293-Barnitz, et al  
 SB 294-Barnitz  
 SB 295-Scott  
 SB 296-Scott  
 SB 297-Scott  
 SB 298-Scott  
 SB 299-Griesheimer  
 SB 300-Bray  
 SB 301-Pearce

SB 302-Smith  
 SB 303-Smith  
 SB 304-Crowell  
 SB 305-Dempsey, et al  
 SB 306-Dempsey, et al  
 SB 307-Dempsey and Rupp  
 SB 308-Bray  
 SB 309-Bray  
 SB 310-Bartle  
 SB 311-Goodman  
 SB 312-Goodman  
 SB 313-Nodler and Bray

### SENATE BILLS FOR PERFECTION

SB 128-Rupp, with SCS

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 31-Stouffer

Reported 2/4

SB 9-Champion, with SCS

SB 47-Scott, with SCS

RESOLUTIONS

SR 139-Engler

Reported from Committee

SR 141-Engler, with point of order (pending)

To be Referred

SR 238-Bray, et al

SCR 19-Crowell

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# Journal of the Senate

FIRST REGULAR SESSION

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**SEVENTEENTH DAY—THURSDAY, FEBRUARY 5, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Oh, how I love your law! It is my meditation all day long.” (Psalm 119:97)

God of mercy, You give to us the gift of Your word as a promise and guide for our daily living. Rekindle in us the law of love and compassion that all we do this day and this weekend might glorify You and be expressed with those we love. Bring us safely home and direct our words and actions accordingly. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The Lieutenant Governor was present.

### **RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 241, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Claude Estes, Jackson, which was adopted.

Senator Schmitt offered Senate Resolution No. 242, regarding Harrison A. Ochs, which was adopted.

Senator Shields offered Senate Resolution No. 243, regarding the Allied Arts Council of St. Joseph, which was adopted.

Senator Days offered Senate Resolution No. 244, regarding the Divine Performing Arts Chinese New Year Spectacular, which was adopted.

Senator Callahan offered Senate Resolution No. 245, regarding the Eightieth Birthday of William James “Bill” Baker, Independence, which was adopted.

Senator Shoemyer offered Senate Resolution No. 246, regarding the 2008 State Champion Clark County High School Indians football team, which was adopted.

Senator Shoemyer offered Senate Resolution No. 247, regarding Debby Rhodes, Center, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 314**—By Smith.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the Missouri preschool plus grant program.

**SB 315**—By Smith.

An Act to repeal sections 137.010, 137.116, 137.340, and 137.495, RSMo, and to enact in lieu thereof four new sections relating to personal property lists.

**SB 316**—By Smith.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to education courses regarding sexual predators, human sexuality, and sexually transmitted diseases.

**SB 317**—By Smith.

An Act to repeal sections 160.405 and 160.410, RSMo, and to enact in lieu thereof two new sections relating to charter schools.

**SB 318**—By Lembke.

An Act to repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against certain licensed professionals.

**SB 319**—By Lembke.

An Act to repeal section 430.082, RSMo, and to enact in lieu thereof one new section relating to liens on chattel.

**SB 320**—By Days and Griesheimer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for prosthetic devices.

**SB 321**—By Days and Bray.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to the creation of a death penalty commission.

**SB 322**—By Barnitz.

An Act to repeal sections 478.003 and 487.020, RSMo, and to enact in lieu thereof two new sections relating to drug court commissioners.

**SB 323**—By Ridgeway.

An Act to repeal section 287.190, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

**SB 324**—By Ridgeway.

An Act to repeal sections 169.010, 169.560, and 169.660, RSMo, and to enact in lieu thereof three new sections relating to teacher and school employee retirement systems, with an emergency clause.

**SB 325**—By Ridgeway.

An Act to repeal section 177.088, RSMo, and to enact in lieu thereof one new section relating to educational facilities.

**SB 326**—By Crowell.

An Act to repeal section 32.105, RSMo, and to enact in lieu thereof one new section relating to the neighborhood assistance act.

**SB 327**—By Crowell.

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof twelve new sections relating to teacher and school employee retirement systems.

**PRIVILEGED MOTIONS**

Having voted on the prevailing side, Senator Champion moved that the vote by which **SR 177**, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

At the request of Senator Champion, the motion to adopt **SR 177**, as amended, was withdrawn.

With the consent of the sponsor, President Pro Tem Shields referred **SR 177**, as amended, to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 328**—By Bray.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to conducted energy devices.

**SB 329**—By Bray, Smith, Justus, Days, Mayer and Shoemyer.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof eight new sections relating to increasing preventive health services in the state through the prevention first act.

President Pro Tem Shields assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 36** and **SB 112**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Goodman, Chairman of the Committee on General Laws, Senator Engler submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 26**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 37**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer assumed the Chair.

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, which were read:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Margaret T. Donnelly, as Director of the Department of Health and Senior Services, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Susan Eckles, as a member of the Missouri Planning Council for Developmental Disabilities, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the reappointment of Richard H. Frueh, as a member of the Dam and Reservoir Safety Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said reappointment.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the reappointment of Dena Ladd, as a member of the Children's Trust Fund Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said reappointment.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the reappointment of Patrice O. Mugg, as a member of the Children's Trust Fund Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said reappointment.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the reappointment of Kit O. Stahlberg, as a member of the Missouri Planning Council for Developmental Disabilities, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said reappointment.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Lager assumed the Chair.

Also,

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment



of Linda M. Martinez, as Director of the Department of Economic Development, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wright-Jones moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment.

At the request of Senator Wright-Jones, the above motion was withdrawn.

Senator Shields requested unanimous consent of the Senate to have the committee report on Linda M. Martinez, as Director of the Department of Economic Development, returned to the Committee on Gubernatorial Appointments, which request was granted.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

February 4, 2009

#### **REORGANIZATION PLAN**

**2009**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit a Reorganization Plan, by Executive Order 09-09 to transfer post-secondary education assistance programs from various state departments to the Department of Higher Education.

The transfer of these programs will improve efficiencies within state government, as the Department of Higher Education already administers the vast majority of state grants and scholarships.

Sincerely,

Jeremiah W. (Jay) Nixon

Governor

#### **EXECUTIVE ORDER**

09-09

WHEREAS, the Department of Higher Education is authorized pursuant to Article IV, sections 12 and 52 of the Missouri Constitution, and Chapter 173, RSMo; and

WHEREAS, the Department of Elementary and Secondary Education is authorized pursuant to Article IV, Section 12 of the Missouri Constitution and Chapter 161, RSMo; and

WHEREAS, the Department of Agriculture is authorized pursuant to Article IV, sections 12 and 35 of the Missouri Constitution and Chapter 261, RSMo; and

WHEREAS, the Department of Natural Resources is authorized pursuant to Article IV, sections 12 and 47 of the Missouri Constitution and Chapter 640, RSMo; and

WHEREAS, the State of Missouri has many different higher education grant and scholarship programs which are administered by a number of different government agencies; and

WHEREAS, this causes difficulty for Missouri students and their parents when they are trying to determine how much state aid is available

to assist them with higher education expenses; and

WHEREAS, the A+ Schools Program is authorized pursuant to Section 160.545, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the A+ Schools Program provides scholarships to qualifying Missouri students to receive funding for two years at a community college or vocational or technical school; and

WHEREAS, the Missouri Teacher Education Scholarship Program is authorized pursuant to Section 160.276, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the Missouri Minority Teaching Scholarship Program is authorized pursuant to Section 161.415, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the Urban Flight and Rural Needs Scholarship Program is authorized pursuant to Section 173.232, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the Large Animal Veterinary Student Loan Program is authorized pursuant to Sections 340.335 through 340.396, RSMo, and is currently administered by the Missouri Department of Agriculture; and

WHEREAS, the Minority and Underrepresented Environmental Literacy Program is authorized pursuant to Section 640.240, RSMo, and is currently administered by the Department of Natural Resources; and

WHEREAS, the Department of Higher Education already administers the vast majority of state grants and scholarships; and

WHEREAS, the Department of Higher Education has significant expertise in all areas of higher education funding; and

WHEREAS, centralizing state grant and scholarship programs in the Department of Higher Education allows Missouri students and their parents to work with one agency when they apply for various types of financial aid and have questions about post-secondary education; and

WHEREAS, the mission of the Department of Higher Education is to deliver an affordable, quality, coordinated post-secondary education system and increase successful participation, benefiting all Missourians; and

WHEREAS, I am committed to promoting new pathways to higher education and consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby order the Departments of Agriculture, Elementary and Secondary Education, Higher Education, and Natural Resources to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the education assistance portion of the A+ Schools Program, the Missouri Teacher Education Scholarship Program, the Missouri Minority Teaching Scholarship Program, the Urban Flight and Rural Needs Scholarship Program, the Large Animal Veterinary Student Loan Program, and the Minority and Underrepresented Environmental Literacy Program to the Department of Higher Education by Type I transfer, as defined under the Reorganization Act of 1974.
2. Develop mechanisms and processes necessary to effectively transfer the above scholarship programs to the Department of Higher Education.
3. Transfer the responsibility for staff support for the above scholarship programs to the Department of Higher Education.

This Order shall become effective no sooner than August 28, 2009, unless disapproved within sixty days of its submission to the First Regular Session of the 95<sup>th</sup> General Assembly.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4<sup>th</sup> day of February, 2009.

**JEREMIAH W. (JAY) NIXON**  
**GOVERNOR**

ATTEST:

**ROBIN CARNAHAN**  
**SECRETARY OF STATE**

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

February 4, 2009

**REORGANIZATION PLAN**

**2009**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit a Reorganization Plan, by Executive Order 09-10, to transfer the Missouri Customized Training Program from the Department of Elementary and Secondary Education to the Department of Economic Development.

The transfer of this program will improve efficiencies within state government, as the Department of Economic Development already provides customized training services to Missouri businesses through the Missouri Job Development Fund.

Sincerely,

Jeremiah W. (Jay) Nixon

Governor

EXECUTIVE ORDER

09-10

WHEREAS, the Department of Elementary and Secondary Education is authorized pursuant to Article IV, Section 12 of the Missouri Constitution and Chapter 161, RSMo; and

WHEREAS, the Department of Economic Development is authorized pursuant to Article IV, sections 12 and 36(a) of the Missouri Constitution and Chapter 620, RSMo; and

WHEREAS, Sections 620.470 through 620.481, RSMo, authorize the Missouri Job Development Fund and the state's Customized Training Program; and

WHEREAS, the Missouri Customized Training Program is currently administered by two state departments, as section 620.478, RSMo, outlines that appropriations from the fund go to the Department of Elementary and Secondary Education for the purpose of contractual services for vocational-related training; and

WHEREAS, the Missouri Customized Training Program assists eligible businesses by providing funding to reduce training costs, raise and maintain the skill level of Missouri's workers, and improve productivity to remain competitive; and

WHEREAS, the Missouri Customized Training Program focuses on new and expanding industries that are tied to high wages and state-identified business clusters; and

WHEREAS, Missouri's other industry training programs are already assigned to the Department of Economic Development; and

WHEREAS, the Department of Economic Development's mission is to promote economic growth and the department is the lead agency on workforce issues for Missouri businesses; and

WHEREAS, current duties for delivering similar services assigned to these two state departments are duplicative, inefficient, and ineffective; and

WHEREAS, state funding for customized training programs should be streamlined and will be more efficient if administered by a single state agency; and

WHEREAS, I am committed to promoting creation of new, competitive wage jobs and consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in

me by the Constitution and the laws of the State of Missouri, do hereby order the Department of Elementary and Secondary Education and the Department of Economic Development to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Missouri Customized Training Program to the Department of Economic Development by Type I transfer, as defined under the Reorganization Act of 1974.
2. Develop mechanisms and processes necessary to effectively transfer the Customized Training Program to the Department of Economic Development.
3. Transfer the responsibility for staff support for the Customized Training Program to the Department of Economic Development.

This Order shall become effective no sooner than August 28, 2009, unless disapproved within sixty days of its submission to the First Regular Session of the 95<sup>th</sup> General Assembly.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4<sup>th</sup> day of February, 2009.

**JEREMIAH W. (JAY) NIXON**  
**GOVERNOR**

ATTEST:

**ROBIN CARNAHAN**  
**SECRETARY OF STATE**

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102

February 4, 2009

**REORGANIZATION PLAN**  
**2009**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit a Reorganization Plan, by Executive Order 09-11, to transfer the Blindness Education, Screening and Treatment (BEST) Program from the Department of Health and Senior Services to the Department of Social Services.

The transfer of this program will improve efficiencies within state government, as the Department of Social Services already provides services to visually impaired Missourians through the Family Support Division's Rehabilitation Services for the Blind.

Sincerely,  
Jeremiah W. (Jay) Nixon  
Governor

**EXECUTIVE ORDER**

09-11

WHEREAS, the Department of Health and Senior Services is authorized pursuant to Chapter 192, RSMo; and

WHEREAS, Section 192.935, RSMo, places administration of the Blindness Education, Screening and Treatment (BEST) Program Fund with the Department of Health and Senior Services; and

WHEREAS, the Missouri Department of Social Services is authorized pursuant to Article IV, Section 12, of the Missouri Constitution and

Chapter 660, RSMo; and

WHEREAS, Chapter 209 governs the Department of Social Services' programs related to persons with visual, hearing, or physical disabilities; and

WHEREAS, the Department of Social Services' Family Support Division oversees Rehabilitation Services for the Blind; and

WHEREAS, the Rehabilitation Services for the Blind's stated mission is to create opportunities for eligible blind and visually impaired persons in order that they may attain personal and vocational success; and

WHEREAS, a portion of the BEST Program's funding was transferred from the Department of Health and Senior Services to the Department of Social Services in the Fiscal Year 2008 budget and additional funding was added to the Department of Health and Senior Services' budget for children's eye examinations in Fiscal Year 2009; and

WHEREAS, current duties for delivering similar services assigned to these two state departments are duplicative, inefficient, and ineffective; and

WHEREAS, I am committed to consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby order the Department of Health and Senior Services and the Department of Social Services to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the BEST Program to the Department of Social Services by Type I transfer, as defined under the Reorganization Act of 1974.
2. Develop mechanisms and processes necessary to effectively transfer the BEST Program to the Family Support Division's Rehabilitation Services for the Blind in the Department of Social Services.
3. Transfer the responsibility for staff support for the program to the Department of Social Services' Family Support Division.

This Order shall become effective no sooner than August 28, 2009, unless disapproved within sixty days of its submission to the First Regular Session of the 95<sup>th</sup> General Assembly.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4<sup>th</sup> day of February, 2009.

**JEREMIAH W. (JAY) NIXON**  
**GOVERNOR**

ATTEST:

**ROBIN CARNAHAN**  
**SECRETARY OF STATE**

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 191**, entitled:

An Act to repeal sections 99.1090, 135.155, 135.680, 135.903, 620.495, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof fourteen new sections relating to job development, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 289**—Transportation.

**SB 290**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 291**—Education.

**SB 292**—Jobs, Economic Development and Local Government.

**SB 293**—Agriculture, Food Production and Outdoor Resources.

**SB 294**—Judiciary and Civil and Criminal Jurisprudence.

**SB 295**—Health, Mental Health, Seniors and Families.

**SB 296**—Financial and Governmental Organizations and Elections.

**SB 297**—Agriculture, Food Production and Outdoor Resources.

**SB 298**—Financial and Governmental Organizations and Elections.

**SB 299**—Commerce, Consumer Protection, Energy and the Environment.

**SB 300**—Ways and Means.

**SB 301**—Judiciary and Civil and Criminal Jurisprudence.

**SB 302**—Governmental Accountability and Fiscal Oversight.

**SB 303**—Jobs, Economic Development and Local Government.

**SB 304**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 305**—Education.

**SB 306**—Health, Mental Health, Seniors and Families.

**SB 307**—Health, Mental Health, Seniors and Families.

**SB 308**—Health, Mental Health, Seniors and Families.

**SB 309**—Health, Mental Health, Seniors and Families.

**SB 310**—Judiciary and Civil and Criminal Jurisprudence.

**SB 311**—Small Business, Insurance and Industry.

**SB 312**—Judiciary and Civil and Criminal Jurisprudence.

**SB 313**—Appropriations.

## **REFERRALS**

President Pro Tem Shields referred **SR 238** and **SCR 19** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

February 4, 2009

Ms. Terry Spieler  
Secretary of the Senate  
Room 325, State Capitol  
Jefferson City, MO 65101

Dear Ms. Spieler,

At the request of the Minority Floor Leader, please remove Senator Barnitz from the Committee on Transportation and from the Committee on Ways and Means. Please replace him with Senator Shoemyer on the Committee on Transportation and Senator Wright-Jones on the Committee on Ways and Means.

Sincerely,  
/s/ Charles W. Shields  
Charles W. Shields

### INTRODUCTIONS OF GUESTS

Senator Ridgeway introduced to the Senate, the Physician of the Day, Dr. Kevin Knop, M.D., Independence.

Senator Champion introduced to the Senate, Rachel Hassani, Ozark.

Senator Engler introduced to the Senate, Patrick Mullins, Bonne Terre; and Bret Burgess, Farmington.

Senator Pearce introduced to the Senate, Presiding Commissioner Gary Mallory, Belton; and Associate Commissioner Bill Cook, Garden City.

On behalf of Senator Wright-Jones and himself, Senator Smith introduced to the Senate, Phil Valko, St. Louis.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, February 9, 2009.

### SENATE CALENDAR

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EIGHTEENTH DAY—MONDAY, FEBRUARY 9, 2009

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### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 314-Smith  
SB 315-Smith  
SB 316-Smith  
SB 317-Smith  
SB 318-Lembke  
SB 319-Lembke  
SB 320-Days and Griesheimer  
SB 321-Days and Bray

SB 322-Barnitz  
SB 323-Ridgeway  
SB 324-Ridgeway  
SB 325-Ridgeway  
SB 326-Crowell  
SB 327-Crowell  
SB 328-Bray  
SB 329-Bray, et al

HOUSE BILLS ON SECOND READING

HCS for HB 191

SENATE BILLS FOR PERFECTION

SB 128-Rupp, with SCS

SB 1-Scott, with SCS

SBs 36 & 112-Goodman, with SCS

SB 26-Ridgeway

SB 37-Goodman, with SCS

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 31-Stouffer

Reported 2/4

SB 9-Champion, with SCS

SB 47-Scott, with SCS

RESOLUTIONS

SR 139-Engler

Reported from Committee

SR 141-Engler, with point of order (pending)

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# Journal of the Senate

FIRST REGULAR SESSION

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**EIGHTEENTH DAY—MONDAY, FEBRUARY 9, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, we are thankful that You have brought us safely here to begin a new week of decisions and conversations. We hope our efforts will lead us to where You want us to be and do what You want us to do serving our people in authentic ways. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 5, 2009 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Wright-Jones offered Senate Resolution No. 248, regarding Janette M. Lohman, St. Louis, which was adopted.

Senator Engler offered Senate Resolution No. 249, regarding Robert Louis Lemmon, Farmington, which was adopted.

Senator Crowell offered Senate Resolution No. 250, regarding Perry County Memorial Hospital, which was adopted.

Senator Crowell offered Senate Resolution No. 251, regarding Kevin Gruenwald, which was adopted.

Senator Crowell offered Senate Resolution No. 252, regarding Doug Leslie, Cape Girardeau, which was adopted.

Senator Stouffer offered Senate Resolution No. 253, regarding Lions Quest programs, which was adopted.

Senator Shields offered Senate Resolution No. 254, regarding Christopher A. Woods, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 255, regarding Spencer Smith, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 256, regarding Benjamin T. Vleisides, Parkville, which was adopted.

Senator Engler offered Senate Resolution No. 257, regarding Leonard Ruble, Potosi, which was adopted.

Senator Schmitt offered Senate Resolution No. 258, regarding Teddi Speeler, Affton, which was adopted.

Senator Schmitt offered Senate Resolution No. 259, regarding Mike Swederska, Webster Groves, which was adopted.

Senator Barnitz offered Senate Resolution No. 260, regarding the Eighty-fifth Birthday of Gretel Parks, Salem, which was adopted.

Senator Barnitz offered Senate Resolution No. 261, regarding the Ninetieth Birthday of Virgil Paul Timmerberg, High Hill, which was adopted.

Senator Barnitz offered Senate Resolution No. 262, regarding Evelyn E. Pfautsch, Montgomery City, which was adopted.

Senator Barnitz offered Senate Resolution No. 263, regarding the Ninety-sixth Birthday of Herman Gibbs, Salem, which was adopted.

Senator Purgason offered Senate Resolution No. 264, regarding Kirby Killgore, Mountain View, which was adopted.

Senator Stouffer offered Senate Resolution No. 265, regarding Aleah Grace Kolkmeier, Wellington, which was adopted.

Senator Stouffer offered Senate Resolution No. 266, regarding Benjamin and Amanda Mook, Excelsior

Springs, which was adopted.

Senator Crowell offered Senate Resolution No. 267, regarding Delta Companies, Incorporated, Cape Girardeau, which was adopted.

Senator Stouffer offered Senate Resolution No. 268, regarding Tony and Tena Levett, New Cambria, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 330**—By Justus.

An Act to amend chapter 565, RSMo, by adding thereto three new sections relating to assault of an employee of a mass transit system while in the scope of his or her duties, with penalty provisions.

**SB 331**—By Justus.

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to higher education tuition policy, with an effective date.

**SB 332**—By Dempsey, Schmitt, Engler, Lembke, Wright-Jones, McKenna, Griesheimer and Shoemyer.

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to compensation for public safety workers killed in the line of duty.

**SB 333**—By Barnitz.

An Act to repeal section 204.472, RSMo, and to enact in lieu thereof one new section relating to sewer service for certain annexed areas.

**SB 334**—By Pearce.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to exempting military pensions from income tax.

**SB 335**—By Rupp.

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to the recovery of noneconomic damages by uninsured motorists.

**SB 336**—By Rupp.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to the right of an insurance company to contest insurance coverage in certain judicial proceedings.

**SB 337**—By Rupp.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to ambulance district directors.

**SB 338**—By Rupp.

An Act to repeal sections 191.225, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, and 595.060, RSMo, and to enact in lieu thereof twelve new sections relating to crime victims.

**SB 339**—By Goodman.

An Act to repeal section 575.060, RSMo, and to enact in lieu thereof one new section relating to false declarations, with penalty provisions.

**SB 340**—By Bray.

An Act to amend chapter 260, RSMo, by adding thereto three new sections relating to plastic bag reduction act, with penalty provisions.

**SB 341**—By Bray.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to racial and gender equity in the membership of boards, commissions, committees, and councils.

**SB 342**—By Stouffer.

An Act to repeal sections 301.131, 301.150, 301.310, 301.420, 301.440, 301.716, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, and 556.021, RSMo, and to enact in lieu thereof twenty-two new sections relating to the modification of criminal penalties which are imposed on motor vehicle violations, with penalty provisions.

**SB 343**—By Stouffer.

An Act to repeal sections 226.030, 302.700, and 302.775, RSMo, and to enact in lieu thereof three new sections relating to transportation.

**SB 344**—By Lager.

An Act to repeal section 160.730, RSMo, and to enact in lieu thereof five new sections relating to the P-20 council.

**SB 345**—By Lager.

An Act to repeal sections 160.011, 160.041, 171.031, and 171.033, RSMo, and to enact in lieu thereof five new sections relating to four-day school weeks.

## CONCURRENT RESOLUTIONS

Senator Pearce offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 20

WHEREAS, the Government Pension Offset (GPO) and Windfall Elimination Provision (WEP) of the federal Social Security Act penalize people who have dedicated their lives to public service by taking away benefits they have earned; and

WHEREAS, nine out of ten public employees affected by the GPO lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years; and

WHEREAS, the WEP causes hard-working people to lose up to sixty percent of the benefits they earned themselves; and

WHEREAS, many workers rely on misleading Social Security Administration statements that fail to take into account the GPO and WEP when projecting benefits; and

WHEREAS, the impact of the GPO and WEP is not just felt in those states in which public employees, including educators, are not covered by Social Security, because people move from state to state and affected individuals are everywhere; and

WHEREAS, the GPO and WEP apply to all vested members of the Public School Retirement System of Missouri; and

WHEREAS, the number of people affected across the country is growing every day as more and more people reach retirement age; and

WHEREAS, some 300,000 individuals lose an average of \$3,600 a year due to the GPO; and

WHEREAS, this amount can make the difference between self-sufficiency and poverty; and

WHEREAS, these people have less money to spend in their local economy and sometimes have to turn to expensive government programs like food stamps to make ends meet; and

WHEREAS, during a national teacher shortage, the GPO and WEP discourage people from entering and staying in the teaching profession, since doing so will mean a loss of earned Social Security benefits; and

WHEREAS, the GPO and WEP are also causing current educators to leave the profession and students to choose courses of study other than education; and

WHEREAS, non-Social Security states are finding it increasingly difficult to attract quality educators as more people learn about the GPO and WEP; and

WHEREAS, the nation should respect, not penalize, public service; and

WHEREAS, the GPO and WEP are established in federal law and repeal of the GPO and WEP can only be enacted by the United States Congress:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Congress of the United States to immediately repeal the Government Pension Offset and Windfall Elimination Provision of the Social Security Act; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri congressional delegation.

### **SENATE BILLS FOR PERFECTION**

Senator Rupp moved that **SB 128**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 128**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 128**

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

Was taken up.

Senator Rupp moved that **SCS** for **SB 128** be adopted.

Senator Bartle assumed the Chair.

Senator Rupp offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 128, Page 1, Section 227.107, Line 11, by inserting at the end of said line the following: “**The total number of highway design-build project contracts awarded by the commission in any state fiscal year shall not exceed five percent of the total number of all state highway system projects listed in the commission's approved statewide transportation improvement program for that state fiscal year.**”.

Senator Rupp moved that the above amendment be adopted.

Senator Lager offered **SA 1** to **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 128, Page 1,

Line 4, by striking the word “five” and inserting in lieu thereof the following: “**two**”.

Senator Lager moved that the above amendment be adopted.

At the request of Senator Rupp, **SB 128**, with **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

February 9, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Terry M. Jarrett, 501 Turnberry Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2013, and until his successor is duly appointed and qualified; vice, Linward Appling, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

February 9, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard H. Kellett, Democrat, 2025 Washington Street, Florissant, Saint Louis County, Missouri 63033, as a member of the Saint Louis County Board of Election Commissioners, for a term ending January 10, 2013, and until his successor is duly appointed and qualified; vice, John Fox Arnold, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

February 9, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Orvin T. Kimbrough, Independent, 5119 Raymond Avenue, Saint Louis City, Missouri 63113, as a member of the Missouri State University Board of Governors, for a term ending January 1, 2015, and until his successor is duly appointed and qualified; vice, James Buford, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

February 9, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark E. Ohrenberg, 5119 Clark Lane, Apartment 102, Columbia, Boone County, Missouri 65202, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2011, and until his successor is duly appointed and qualified; vice, Sharon Smith, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 314**—Education.

**SB 315**—Jobs, Economic Development and Local Government.

**SB 316**—Education.

**SB 317**—Education.

**SB 318**—Judiciary and Civil and Criminal Jurisprudence.

**SB 319**—Financial and Governmental Organizations and Elections.

**SB 320**—Health, Mental Health, Seniors and Families.

**SB 321**—Progress and Development.

**SB 322**—Judiciary and Civil and Criminal Jurisprudence.

**SB 323**—Small Business, Insurance and Industry.

**SB 324**—Education.

**SB 325**—Education.

**SB 326**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 327**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 328**—Commerce, Consumer Protection, Energy and the Environment.

**SB 329**—Education.

Senator Cunningham assumed the Chair.

### **HOUSE BILLS ON SECOND READING**

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS for HB 191**—Jobs, Economic Development and Local Government.

### **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

February 5, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

Dear Ms. Spieler,

I have resigned from the Joint Committee on Legislative Research. Please remove my name.

In addition, Senator Nodler and I have resigned from the Joint Committee on Education and we ask that our names be removed as well.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,

February 5, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Joint Committee on MO HealthNet**

Dear Ms. Spieler,

Pursuant to Section 208.952, RSMo, I am appointing the following Senators to the Joint Committee on MO HealthNet:

Senator Dempsey  
Senator Justus  
Senator Schmitt

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields



Also,

February 5, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Missouri State Employees Retirement System Board of Trustees**

Dear Ms. Spieler,

Pursuant to Section 104.450, RSMo, I am appointing the following Senators to the Missouri State Employees Retirement System Board of Trustees (MOSERS):

Senator Crowell

Senator Green

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,

February 5, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Joint Committee on Administrative Rules**

Dear Ms. Spieler,

Pursuant to Section 536.037, RSMo, I am appointing the following Senators to the Joint Committee on Administrative Rules:

Senator Victor Callahan

Senator Jack Goodman

Senator Luann Ridgeway

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,

February 5, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Joint Committee on Education**

Dear Ms. Spieler,

Pursuant to Section 160.254, RSMo, I am appointing the following Senators to the Joint Committee on Education:

Senator Cunningham  
Senator Mayer  
Senator Schaefer  
Senator Smith  
Senator Wilson

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro Tem

Also,

February 9, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Joint Committee on Public Employees Retirement**

Dear Ms. Spieler,

Pursuant to Section 21.553, RSMo, I am appointing the following Senators to the Joint Committee on Public Employees Retirement:

Senator Days  
Senator Crowell  
Senator Green  
Senator Smith

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

**INTRODUCTIONS OF GUESTS**

Senator Mayer introduced to the Senate, Scottie Landess, Kennett.

On motion of Senator Engler, the Senate adjourned under the rules.

SENATE CALENDAR

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NINETEENTH DAY—TUESDAY, FEBRUARY 10, 2009

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 330-Justus	SB 338-Rupp
SB 331-Justus	SB 339-Goodman
SB 332-Dempsey, et al	SB 340-Bray
SB 333-Barnitz	SB 341-Bray
SB 334-Pearce	SB 342-Stouffer
SB 335-Rupp	SB 343-Stouffer
SB 336-Rupp	SB 344-Lager
SB 337-Rupp	SB 345-Lager

SENATE BILLS FOR PERFECTION

SB 1-Scott, with SCS	SB 26-Ridgeway
SBs 36 & 112-Goodman, with SCS	SB 37-Goodman, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 128-Rupp, with SCS, SA 1 & SA 1 to  
SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 31-Stouffer

Reported 2/4

SB 9-Champion, with SCS

SB 47-Scott, with SCS

RESOLUTIONS

SR 139-Engler

Reported from Committee

SR 141-Engler, with point of order  
(pending)

To be Referred

SCR 20-Pearce

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# Journal of the Senate

## FIRST REGULAR SESSION

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### NINETEENTH DAY—TUESDAY, FEBRUARY 10, 2009

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord can clear the darkest skies,  
Can give us day for night;  
Make drops of sacred sorrow rise  
To rivers of delight.” (Isaac Watts)

Almighty and loving Father, You are always more ready to hear us than we are to pray for which we don't deserve but are grateful. As we face the work before us help us to weigh each bill with our conscience and make decisions based on the wee small voice within us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

### RESOLUTIONS

Senator Smith offered Senate Resolution No. 269, regarding Sumner High School, which was adopted.

Senator Crowell offered Senate Resolution No. 270, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Lester M. Wells, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 271, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph Heuring, New Hamburg, which was adopted.

Senator Crowell offered Senate Resolution No. 272, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Robey LeGrand, Oran, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 273, regarding Paraquad, Inc., St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 274, regarding Harry A. Keitz, DDS, Brentwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 275, regarding Patty Maher, which was adopted.

Senators Vogel and Champion offered Senate Resolution No. 276, regarding Melanie Blunt, which was adopted.

Senator Wilson offered Senate Resolution No. 277, regarding Roy Copeland, Jr., Kansas City, which was adopted.

Senator Wilson offered Senate Resolution No. 278, regarding Don Motley, which was adopted.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 346**—By Schaefer.

An Act to repeal sections 407.925, 407.928, 407.929, and 407.931, RSMo, and to enact in lieu thereof four new sections relating to sale of tobacco products, with penalty provisions.

**SB 347**—By Mayer.

An Act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, and 452.550, RSMo, and to enact in lieu thereof fifty new sections relating to child custody jurisdiction and enforcement.

**SB 348**—By Mayer.

An Act to repeal sections 50.327 and 57.317, RSMo, and to enact in lieu thereof two new sections relating to county sheriff salaries.

**SB 349**—By Goodman and McKenna.

An Act to repeal section 23.140, RSMo, and to enact in lieu thereof one new section relating to the preparation of fiscal notes for bills that affect the tourism industry of this state.

**SB 350**—By Clemens and Shoemyer.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hand fishing, with penalty provisions.

**SB 351**—By Shoemyer.

An Act to repeal sections 32.069 and 144.190, RSMo, and to enact in lieu thereof two new sections relating to sales tax refunds, with penalty provisions.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Linda M. Martinez, as Director of the Department of Economic Development, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wright-Jones moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Stouffer assumed the Chair.

### **SENATE BILLS FOR PERFECTION**

Senator Scott moved that **SB 1**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 1**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1**

An Act to repeal sections 436.005, 436.007, 436.011, 436.015, 436.021, 436.027, 436.031, 436.035, 436.038, 436.041, 436.045, 436.048, 436.051, 436.053, 436.055, 436.061, 436.063, 436.065, 436.067, 436.069, and 436.071, RSMo, and to enact in lieu thereof thirty-four new sections relating to preneed funeral contracts, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SB 1** be adopted.

Senator Scott offered **SS** for **SCS** for **SB 1**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1**

An Act to repeal sections 436.005, 436.007, 436.011, 436.015, 436.021, 436.027, 436.031, 436.035, 436.038, 436.041, 436.045, 436.048, 436.051, 436.053, 436.055, 436.061, 436.063, 436.065, 436.067, 436.069, and 436.071, RSMo, and to enact in lieu thereof thirty-four new sections relating to preneed funeral contracts, with penalty provisions.

Senator Scott moved that **SS** for **SCS** for **SB 1** be adopted.

At the request of Senator Scott, **SB 1**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

### **REFERRALS**

President Pro Tem Shields referred **SCR 20** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Engler, the Senate recessed until 2:45 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Schaefer.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 9**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 238**, begs leave to report that it has considered the same and recommends that the resolution do pass, with Senate Committee Amendment No. 1.

### **SENATE COMMITTEE AMENDMENT NO. 1**

Amend Senate Resolution No. 238, as it appears on Page 245 of the Senate Journal for Wednesday, February 4, 2009, Lines 38-39 of said journal page, by striking the following: “with 100 percent federal sources”.

### **RESOLUTIONS**

Senator Wilson offered Senate Resolution No. 279, regarding the One Hundredth Anniversary of the NAACP branch of Kansas City, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Champion introduced to the Senate, Dr. Pauline Nugent, Dr. Margret Weaver and Dr. Paula Kemp, representatives from Missouri State University, Springfield.

Senator Shoemyer introduced to the Senate, the Physician of the Day, Dr. Arthur Freeland, M.D. and Disa Wagner, Kirksville.

Senator Shoemyer introduced to the Senate, forty-four students from Truman State University, Kirksville.

Senator Pearce introduced to the Senate, David E. Ewing and Jerry Kangas, Warrensburg.

Senator Mayer introduced to the Senate, Susan Hill and Heather Waddle, Dexter.

Senator Days introduced to the Senate, members of Alpha Kappa Alpha Sorority, Inc. from around the



state.

Senator Engler introduced to the Senate, Ron and Jacque Inman and Jack and Leland Huck, Ste. Genevieve.

Senator Rupp introduced to the Senate, members of the Troy Chamber of Commerce.

Senator McKenna introduced to the Senate, Eva Simms and Beulah McCreery, Crystal City.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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TWENTIETH DAY–WEDNESDAY, FEBRUARY 11, 2009

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 330-Justus	SB 341-Bray
SB 331-Justus	SB 342-Stouffer
SB 332-Dempsey, et al	SB 343-Stouffer
SB 333-Barnitz	SB 344-Lager
SB 334-Pearce	SB 345-Lager
SB 335-Rupp	SB 346-Schaefer
SB 336-Rupp	SB 347-Mayer
SB 337-Rupp	SB 348-Mayer
SB 338-Rupp	SB 349-Goodman and McKenna
SB 339-Goodman	SB 350-Clemens and Shoemyer
SB 340-Bray	SB 351-Shoemyer

### SENATE BILLS FOR PERFECTION

SBs 36 & 112-Goodman, with SCS	SB 37-Goodman, with SCS
SB 26-Ridgeway	

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 1-Scott, with SCS & SS for SCS (pending)	SB 128-Rupp, with SCS, SA 1 & SA 1 to SA 1 (pending)
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## CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 31-Stouffer

Reported 2/4

SB 47-Scott, with SCS

## RESOLUTIONS

SR 139-Engler

Reported from Committee

SR 141-Engler, with point of order (pending)

SR 238-Bray, et al, with SCA 1

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# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTIETH DAY—WEDNESDAY, FEBRUARY 11, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will not fear, for You are ever with me, and You will never leave me to face my perils alone.” (Thomas Merton)

Holy God, too often we are more quick to trust in the wisdom of the world and ourselves than we may trust Your wisdom. Strengthen our faith that we may live and work in Your grace and compassion as You guide our steps and efforts this day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Shoemyer offered Senate Resolution No. 280, regarding Gary Leu, Shelbina, which was adopted.

Senator Shoemyer offered Senate Resolution No. 281, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Bates, Monroe City, which was adopted.

Senator Champion offered Senate Resolution No. 282, regarding the city of Springfield, which was adopted.

Senator Scott offered Senate Resolution No. 283, regarding Michael Crawford, Long Lane, which was adopted.

Senator Scott offered Senate Resolution No. 284, regarding Thomas Bolin, Buffalo, which was adopted.

Senator Scott offered Senate Resolution No. 285, regarding Fred Marks, Buffalo, which was adopted.

## CONCURRENT RESOLUTIONS

Senator Clemens offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 21

WHEREAS, “25 by 25” is a renewable energy initiative proposing that America's agricultural and forestry sectors produce 25 percent of the nation's energy requirements from renewable resources by the year 2025 while continuing to produce abundant and safe food and fiber; and

WHEREAS, having an affordable, reliable, and plentiful energy supply is critical for our state and national economy and the national and international food supply; and

WHEREAS, current and future risks to the nation's energy security are mounting while global energy demands are growing exponentially; and

WHEREAS, Missouri's productive farms and forests can become the future sources for renewable fuels to help supply these growing energy demands; and

WHEREAS, the development of a broad spectrum of renewable energy sources, including but not limited to wind power, biodiesel, biomass, methane digesters, ethanol, and solar, would be beneficial to Missouri's farmers and rural communities by opening additional markets for agricultural commodities, increasing farm income, developing new products from livestock byproducts, improving the productive use of marginal lands, improving wildlife habitat, and creating many new job opportunities; and

WHEREAS, American agriculture is well-positioned to play an expanded role in the development and implementation of new energy solutions and, with appropriate technological innovation, incentives, and investments, America's farms and forests can become the factories that produce a new generation of fuels to help meet the nation's critical energy needs; and

WHEREAS, agriculture's and forestry's role as an energy producer will have a positive effect on national security and United States trade imbalances:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, express our support of the “25 by 25” renewable energy initiative that America's agricultural and forestry sectors provide 25 percent of the nation's energy needs by the year 2025 while they continue to produce abundant, safe, and affordable food and fiber; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for each member of Missouri's congressional delegation, the Majority Leader and Minority Leader of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Majority Leader and Minority Leader of the U.S. House of Representatives, and President Barack Obama.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 352**—By Bray.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to the reorganization of state health care, with an emergency clause.

**SB 353**—By Schmitt.

An Act to repeal section 620.1039, RSMo, and to enact in lieu thereof one new section relating to tax credits for qualified research expenses related solely to animal and plant sciences.

**SB 354**—By Dempsey.

An Act to repeal section 55.030, RSMo, and to enact in lieu thereof one new section relating to county inventory.

**SB 355**—By Dempsey.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to motor vehicle administrative fees.

**SB 356**—By Purgason.

An Act to repeal section 306.903, RSMo, and to enact in lieu thereof two new sections relating to waterways, with penalty provisions.

**SB 357**—By Purgason.

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to motor vehicle dealer insurance.

**SB 358**—By Purgason.

An Act to repeal section 48.020, RSMo, and to enact in lieu thereof one new section relating to county classification.

**SB 359**—By Purgason.

An Act to repeal section 251.430, RSMo, and to enact in lieu thereof one new section relating to regional planning commissions.

**SB 360**—By Scott.

An Act to repeal sections 443.800, 443.803, 443.805, 443.807, 443.809, 443.810, 443.812, 443.816, 443.817, 443.819, 443.821, 443.823, 443.825, 443.827, 443.830, 443.833, 443.835, 443.837, 443.839, 443.841, 443.843, 443.845, 443.847, 443.849, 443.851, 443.853, 443.855, 443.857, 443.859, 443.861, 443.863, 443.865, 443.867, 443.869, 443.879, 443.881, 443.883, 443.885, 443.887, 443.889, 443.891, and 443.893, RSMo, and to enact in lieu thereof fifty-eight new sections relating to the regulation of the mortgage industry, with penalty provisions for certain sections and an emergency clause.

**SB 361**—By Crowell.

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to practicing dentistry with a limited license.

**SB 362**—By Griesheimer.

An Act to repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to recording user fees.

**SB 363**—By Griesheimer.

An Act to repeal sections 32.063, 136.055, 144.025, 144.060, 144.070, 144.080, 144.100, and 144.130, RSMo, and to enact in lieu thereof ten new sections relating to motor vehicle sales taxes, with penalty provisions.

### **SENATE BILLS FOR PERFECTION**

Senator Goodman moved that **SB 36** and **SB 112**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 36** and **112**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 36 and 112**

An Act to repeal sections 559.115, 566.030, and 566.060, RSMo, and to enact in lieu thereof three new sections relating to the penalties for certain forcible sexual offenses committed against children, with penalty provisions.

Was taken up.

Senator Dempsey assumed the Chair.

Senator Goodman moved that **SCS** for **SBs 36** and **112** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SBs 36** and **112** was declared perfected and ordered printed.

### **RESOLUTIONS**

Senator Bray moved that **SR 238**, with **SCA 1**, be taken up for perfection, which motion prevailed.

**SCA 1** was taken up.

Senator Bray moved that the above committee amendment be adopted, which motion prevailed.

On motion of Senator Bray, **SR 238**, as amended, was adopted.

### **SENATE BILLS FOR PERFECTION**

**SB 26** was placed on the Informal Calendar.

Senator Goodman moved that **SB 37**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 37**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 37**

An Act to repeal sections 600.011, 600.015, 600.017, 600.019, 600.021, 600.040, 600.042, 600.048, 600.086, 600.089, 600.090, and 600.096, RSMo, and to enact in lieu thereof thirteen new sections relating to the public defender system, with penalty provisions.

Was taken up.

Senator Goodman moved that **SCS** for **SB 37** be adopted.

Senator Justus offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 37, Page 2, Section 600.015, Line 2, by striking the word “seven” and inserting in lieu thereof the following: “**eight**”; and further amend line 4, by inserting at the end of said line the following: “**At least one member shall be a person actively serving as an assistant public defender, as defined in section 600.011, with at least one year of service as an assistant public defender.**”; and

Further amend said bill and section, page 3, line 20, by inserting at the end of said line the following: “**A commission member, who serves as an assistant public defender, shall receive his or her regular salary for that position. No member serving in the assistant public defender position on the commission shall be subject to any adverse employment action for a vote taken, or comments made, during a commission meeting.**”.

Senator Justus moved that the above amendment be adopted.

At the request of Senator Goodman, **SB 37**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Ridgeway moved that **SB 26** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Ridgeway, **SB 26** was declared perfected and ordered printed.

President Pro Tem Shields assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 154**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 38**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 147**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 156**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 171**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Dempsey assumed the Chair.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 330**—Judiciary and Civil and Criminal Jurisprudence.

**SB 331**—Progress and Development.

**SB 332**—Jobs, Economic Development and Local Government.

**SB 333**—Jobs, Economic Development and Local Government.

**SB 334**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 335**—Small Business, Insurance and Industry.

**SB 336**—Small Business, Insurance and Industry.

**SB 337**—Jobs, Economic Development and Local Government.

**SB 338**—Judiciary and Civil and Criminal Jurisprudence.

**SB 339**—General Laws.

**SB 340**—Commerce, Consumer Protection, Energy and the Environment.

**SB 341**—Financial and Governmental Organizations and Elections.

**SB 342**—Transportation.

**SB 343**—Transportation.

**SB 344**—Education.

**SB 345**—Education.

**SB 346**—Small Business, Insurance and Industry.

**SB 347**—Judiciary and Civil and Criminal Jurisprudence.

**SB 348**—Jobs, Economic Development and Local Government.

**SB 349**—General Laws.

**SB 350**—Agriculture, Food Production and Outdoor Resources.

**SB 351**—Ways and Means.

### **COMMUNICATIONS**

President Pro Tem Shields submitted the following:



February 10, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Health Facilities Review Committee**

Dear Ms. Spieler,

Pursuant to Section 197.310, RSMo, I am appointing the following Senators to the Health Facilities Review Committee:

Senator Schmitt

Senator Wright-Jones

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

**INTRODUCTIONS OF GUESTS**

Senator Nodler introduced to the Senate, fifteen students from Carl Junction High School.

Senator Nodler introduced to the Senate, forty Dental Hygienist students from Joplin.

Senator Purgason introduced to the Senate, Ted Houx and Ryan Shoffner, Amy Frazee, and Jory Cox, students from Lake Career and Technical Center, Camdenton.

Senator Champion introduced to the Senate, Dr. Jennifer Baker and Councilman Conrad Griggs, Springfield.

Senator Cunningham introduced to the Senate, Debbie Trunk and Sandra Pritchard, Bernie Cadiz, Emilia Sehnert and Nicole Hampton, Dental Hygienist students from St. Louis.

Senator Schaefer introduced to the Senate, the University of Missouri Women's Soccer Team, Columbia.

Senator McKenna introduced to the Senate, Bill Knitting, Kathy Harris, Sara Suzharski, Linda Dallas and Jerry Suhuenemann, Jefferson County.

Senator Scott introduced to the Senate, Vickie Hillsman, El Dorado Springs.

Senator Purgason introduced to the Senate, Kailyn Rogers, Matt Phillips, Holly Bolch and Debbie Schaffer, Lebanon; and Lindsay Cantrell, Hartville.

Senator Mayer introduced to the Senate, Myra Callahan and Shirley Stephens, Kennett; and Cheryl Jones, David Terrell and Kathy Teachout, Sikeston.

Senator Mayer introduced to the Senate, Nycole Born, Kyle Whited and Connie Griffin, Bloomfield.

Senator Lembke introduced to the Senate, Toni Moll and Jon Gannon, Alica Tape, Anne Bewig, James Perretta, Joe Presson, Maria Garcia, Andrew Robson and Eric Pashia, members of the St. Louis Symphony Youth Orchestra.

Senator Scott introduced to the Senate, Patricia Schafer, Ashleigh Page, Austin Hansen, Leah Zimmerman, Jared Bahr, Alex Arnold, Melissa Wray, Nathan Dawolt, Josh Schellack, Jaedon Lamb, Rachel Grotheer, Marcus Page, and Jeremy and C.J. Budy, Fort Scott, Kansas.

Senator Smith introduced to the Senate, Joel Henneberry, Patrick Page, Tiffany Wang and McKayla Talasek, St. Louis.

Senator Schmitt introduced to the Senate, eleven members of the St. Louis Youth Symphony Orchestra.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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TWENTY-FIRST DAY—THURSDAY, FEBRUARY 12, 2009

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 352-Bray	SB 358-Purgason
SB 353-Schmitt	SB 359-Purgason
SB 354-Dempsey	SB 360-Scott
SB 355-Dempsey	SB 361-Crowell
SB 356-Purgason	SB 362-Griesheimer
SB 357-Purgason	SB 363-Griesheimer

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 1-Scott, with SCS & SS for SCS (pending)	SB 128-Rupp, with SCS, SA 1 & SA 1 to
SB 37-Goodman, with SCS & SA 1 (pending)	SA 1 (pending)

## CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 31-Stouffer

Reported 2/4

SB 47-Scott, with SCS

Reported 2/11

SB 154-Goodman  
SB 38-Rupp  
SB 147-Dempsey

SB 156-Goodman  
SB 171-Griesheimer

RESOLUTIONS

SR 139-Engler

Reported from Committee

SR 141-Engler, with point of order (pending)

To be Referred

SCR 21-Clemens

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# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-FIRST DAY—THURSDAY, FEBRUARY 12, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It’s not the years in your life that count. It’s the life in your years.” (Abe Lincoln)

Benevolent God, we are thankful for leaders like Lincoln and the wisdom and love he left us in his writing and way he lived. Teach us to love what is worthy in Your eyes and reject what is offensive to You. Help us love more fully those You have given us to love and put forth the effort in our living that lets that love shine through us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Shields offered Senate Resolution No. 286, regarding Charles Maxwell Cassidy, which was adopted.

Senator Shields offered Senate Resolution No. 287, regarding Kortney Steven Gutierrez, which was adopted.

Senator Shields offered Senate Resolution No. 288, regarding Dru Ryan Jordan, which was adopted.

Senator Shields offered Senate Resolution No. 289, regarding James Taylor Smith, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 290, regarding Tyler Wade Kuehn, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 291, regarding Joshua Michael Shiner, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 292, regarding Joseph John McLain, which was adopted.

Senator Shields offered Senate Resolution No. 293, regarding Thomas Lee Knopp, which was adopted.

Senator Shields offered Senate Resolution No. 294, regarding Johnathon Scott Knopp, which was adopted.

Senator Shields offered Senate Resolution No. 295, regarding Benjamin Warren Breslow, which was adopted.

Senator Shields offered Senate Resolution No. 296, regarding Matthew Aaron Gates, which was adopted.

Senator Shields offered Senate Resolution No. 297, regarding Joel E. Gordon, which was adopted.

Senator Stouffer offered Senate Resolution No. 298, regarding Brandon Thiel, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 299, regarding Morgan Richey, which was adopted.

Senator Stouffer offered Senate Resolution No. 300, regarding Brady Moppin, which was adopted.

Senator Crowell offered Senate Resolution No. 301, regarding Stan Seiler, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 364**—By Clemens and Schaefer.

An Act to amend chapter 260, RSMo, by adding thereto eight new sections relating to the television electronic recycling act, with penalty provisions.

**SB 365**—By Clemens.

An Act to amend chapter 324, RSMo, by adding thereto sixteen new sections relating to the licensing of clinical laboratory science personnel, with penalty provisions.

**SB 366**—By Schmitt.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Epilepsy awareness day.

**SB 367**—By Ridgeway.

An Act to repeal section 143.071, RSMo, and to enact in lieu thereof one new section relating to corporate income tax rates.

**SB 368**—By Stouffer.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to providing an affirmative defense for certain red light violations.

**SB 369**—By Stouffer.

An Act to repeal sections 338.010, 338.013, 338.057, 338.220, and 338.337, RSMo, and to enact in lieu thereof four new sections relating to pharmacy.

**SB 370**—By Bray.

An Act to amend chapters 361 and 443, RSMo, by adding thereto three new sections relating to foreclosures, with an emergency clause.

**SB 371**—By Bray.

An Act to repeal section 447.505, RSMo, and to enact in lieu thereof two new sections relating to gift certificates, with penalty provisions.

**SB 372**—By Dempsey.

An Act to repeal section 252.043, RSMo, and to enact in lieu thereof one new section relating to hunting accidents.

**SB 373**—By Mayer.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school enrollment.

**SB 374**—By Mayer.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to employment at-will.

**SB 375**—By Mayer, Wright-Jones, Engler, Scott, Dempsey, Goodman, Justus and Green.

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for clinical trials.

## **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Gracia L. Backer, as Director of the Division of Employment Security;

Also,

Jane A. Rackers, as Director of the Division of Professional Registration.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 26** and **SCS** for **SBs 36** and **112**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which were referred **SB 45**, **SB 212**, **SB 136**, **SB 278**, **SB 279**, **SB 285** and **SB 288**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 191**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 89**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Engler submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 140**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 223** and **SB 226**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 29**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 100**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 58**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 189**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp assumed the Chair.

### THIRD READING OF SENATE BILLS

**SB 31**, introduced by Senator Stouffer, entitled:

An Act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof two new sections relating to eliminating the position of transportation inspector general.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 31** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

#### NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 47**, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal sections 43.060 and 590.030, RSMo, and to enact in lieu thereof two new sections



relating to educational requirements for certain law enforcement personnel.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 47**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 47**

An Act to repeal sections 43.060, 306.227, and 590.030, RSMo, and to enact in lieu thereof three new sections relating to educational requirements for certain law enforcement personnel.

Was taken up.

Senator Scott moved that **SCS** for **SB 47** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 47** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

**NAYS—Senators—None**

**Absent—Senators**

Days            Schaefer—2

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

Senator Scott moved that **SB 1**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SB 1** was again taken up.

Senator Scott offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 9, Section 333.330, Line 8 of said page, by inserting after “RSMo.” the following: “**The board is hereby granted the authority to hire outside legal counsel to advise and represent the board in any of its duties or in any**

**legal or administrative actions authorized by chapters 333 and 436, RSMo.”; and**

Further amend said bill, page 12, line 5 of said page, by inserting after “may” the following: “, **if necessary to protect the public, seek an injunction upon a showing of good cause in the circuit court of Cole county to**”.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 23, Section 436.430, Line 27 of said page, by inserting after the word “all” the following: “**principal and interest and**”; and

Further amend said bill, page 29, section 436.455, line 25 of said page, by striking the following “be used to pay the reasonable expenses of”; and further amend lines 27 and 28 of said page, by striking said lines and inserting in lieu thereof the following: “**accrue through the life of the joint account until the preneed contract is cancelled or fulfilled pursuant to subsection 6 of this section.**”; and

Further amend said bill, page 36, section 436.460, line 16 of said page, by striking the following: “thirty-first day of October” and inserting in lieu thereof the following: “**date specified by the board**”.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Goodman offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 1, Section A, Line 11 of said page, by inserting after all of said line the following:

“208.010. 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. “Living together” for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or

regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection [5] 6 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of this subsection shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of one thousand dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand dollars; and provided further, that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of

which he or she is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the division of family services and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract pursuant to [subsection 2 of section 436.035] **chapter 436**, RSMo, [and subdivision (5) of subsection 1 of section 436.053, RSMo,] shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, “burial lots” means any burial space as defined in section 214.270, RSMo, and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, RSMo, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest cancel or amend the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri up to the amount of public assistance benefits provided pursuant to this chapter with any remainder to be paid to those persons designated in chapter 436, RSMo.

**5. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, any amounts up to ten thousand dollars placed in an irrevocable trust designated to pay for, at the time of need, the final disposition of a dead human body, funeral or burial services or facilities, or funeral merchandise, as those terms are defined in section 436.405, RSMo, that is not a preneed funeral contract as defined in such section, shall not be considered an asset of the beneficiary. Any overages after final disposition shall be paid to the state of Missouri up to the amount of public assistance benefits provided to the beneficiary pursuant to this chapter with any remainder to be paid to those designated in the trust.**

6. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section,

or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

- (1) A claimant or person for whom benefits are claimed; or
- (2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living.

If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

[6.] **7.** Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

- (1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;

- (2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

- (3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

- (4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;

- (5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers between September, 1988, and the September before the calendar year involved; and

- (6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

[7.] **8.** Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

[8.] **9.** The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

[9.] **10.** Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter

there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

[10.] **11.** Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except the applicable Title XIX cost sharing.

[11.] **12.** A “community spouse” is defined as being the noninstitutionalized spouse.

[12.] **13.** An institutionalized spouse applying for Medicaid and having a spouse living in the community shall be required, to the maximum extent permitted by law, to divert income to such community spouse to raise the community spouse's income to the level of the minimum monthly needs allowance, as described in 42 U.S.C. Section 1396r-5. Such diversion of income shall occur before the community spouse is allowed to retain assets in excess of the community spouse protected amount described in 42 U.S.C. Section 1396r-5.”; and

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SS** for **SCS** for **SB 1**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **SB 1**, as amended, was declared perfected and ordered printed.

Senator Champion requested unanimous consent of the Senate to have the Health, Mental Health, Seniors and Families’ committee report on **SB 89** returned, which request was granted.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

February 11, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John M. Huff, 9210 State Line Road, Leawood, Johnson County, Kansas 66206, as Director of the Department of Insurance, Financial Institutions and Professional Registration, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully Submitted,

Jeremiah W. (Jay) Nixon

Governor

President Pro Tem Shields referred the above appointment to the Committee on Gubernatorial Appointments.

**REFERRALS**

President Pro Tem Shields referred **SCR 21** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Shields referred **SCS** for **SBs 36** and **112**; and **HCS** for **HB 191**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

**RESOLUTIONS**

Senator Shields offered the following resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

**SENATE RESOLUTION NO. 302**

WHEREAS, Missouri currently ranks 33rd in the nation in median family income; and

WHEREAS, our vision of a better Missouri must include improving the economic prosperity and opportunities for our citizens; and

WHEREAS, the creation of such a vision must include a long-term strategy and plan for creating new and well-paying jobs for our citizens; and

WHEREAS, our long term strategy and plan must focus on making Missouri a place where existing businesses can grow and thrive and new businesses can be attracted to our state; and

WHEREAS, we must build on programs like the Quality Jobs Act that have added thousands of jobs to our economy and have sent the message to businesses that Missouri has a business-friendly environment; and

WHEREAS, part of such a long term strategy and plan must be to enact policies and create new tools to retain existing jobs and attract businesses of the future; and

WHEREAS, the members of the Missouri Senate are a dedicated group of individuals who should lead in developing this long-term strategy and plan:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby create the Missouri Senate Job Creation 2020 Committee; and

BE IT FURTHER RESOLVED that the Committee shall be responsible for:

- a. Developing a long-term strategy and plan for increasing the economic prosperity and opportunities for the citizens of this state; and
- b. Developing tools to help existing businesses grow by creating new jobs and attract new businesses that will bring quality, well-paying jobs with benefits to our state; and
- c. Ensuring that our regulatory environment is responsible to our natural resources, but does not become such a burden that it drives jobs out of state; and

BE IT FURTHER RESOLVED that the Committee shall elect a chairperson and a vice chairperson for the Committee who shall serve during the pendency of the Committee; and

BE IT FURTHER RESOLVED that the authority of the Committee shall terminate on December 31, 2010; and

BE IT FURTHER RESOLVED that the Committee shall be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee.

Senator Shields offered the following resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

**SENATE RESOLUTION NO. 303**

WHEREAS, Missouri currently ranks 38th in the nation in terms of the health status of our citizens; and

WHEREAS, our challenge to create a better Missouri must include improvement of our health systems so that Missourians can lead

healthier, longer, and more productive lives; and

WHEREAS, to meet this challenge, we must have a long-term strategy and plan for bringing more people into health coverage; and

WHEREAS, placing the burden upon Missouri businesses to bear the cost of providing insurance to their employees as well as paying the costs of the uninsured through their premium payments is not a long-term strategy for furthering the health of our citizens and increasing the economic vitality of our state; and

WHEREAS, the state needs to develop a long-term strategy and plan for controlling the soaring cost of health care while also moving our state's more than 700,000 uninsured into coverage; and

WHEREAS, the members of the Missouri Senate are a dedicated group of individuals who should lead in developing this long-term strategy and plan:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby create the Missouri Senate Healthy Missourians 2020 Committee; and

BE IT FURTHER RESOLVED that the Committee shall be responsible for developing a long-term strategy and plan to provide health insurance coverage for citizens of this state that do not currently have access, or cannot afford such coverage; and

BE IT FURTHER RESOLVED that the Committee shall study the development of a rational health care system in our state that engages employers, hospitals, physicians, insurance companies, and the federal government to find ways to blend funding streams and create market incentives for participation in the system; and

BE IT FURTHER RESOLVED that the Committee shall elect a chairperson and a vice chairperson for the Committee who shall serve during the pendency of the Committee; and

BE IT FURTHER RESOLVED that the authority of the Committee shall terminate on December 31, 2010; and

BE IT FURTHER RESOLVED that the Committee shall be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee.

Senator Shields offered the following resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE RESOLUTION NO. 304

WHEREAS, Missouri currently ranks 30th in the nation in number of our 25-34 year olds with a degree past high school; and

WHEREAS, a key component to creating a better Missouri is striving to have an educated workforce in our state for the future; and

WHEREAS, there is an indisputable correlation between the economic prosperity of a state and the level of education of its workforce; and

WHEREAS, according to the Lumina Foundation for Education, the United States, for years, led the world as the most successful and prosperous nation because our citizens had typically been the most educated, yet our nation now ranks 10th among industrialized nations in the percentage of young adults with college degrees; and

WHEREAS, our current ranking of 30th in the nation in number of 25-34 year olds with a degree past high school places Missouri behind our neighboring states of Kansas, Nebraska, Iowa, and Illinois; and

WHEREAS, as part of our long-term strategy and plan for creating an educated workforce, we must move more of our young people into an education experience past high school if we are going to compete with our neighboring states and the rest of the world; and

WHEREAS, the strategy cannot simply focus on higher education, but must take place along the entire spectrum of education from early childhood to higher education;

WHEREAS, the members of the Missouri Senate are a dedicated group of individuals who should lead in developing this long-term strategy and plan:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby create the Missouri Senate Educated Workforce 2020 Committee; and



BE IT FURTHER RESOLVED that the Committee shall be responsible for developing long-term plans and strategies for:

- a. An early childhood education system where every child enters elementary school with the tools needed to succeed by ensuring access to quality early childhood education and support for stay-at-home parents; and
- b. An elementary and secondary education system that educates students that are capable of attending and succeeding at institutions of higher education; and
- c. A higher education system that is designed to successfully prepare graduates for competition in the global economy; and
- d. Any other aspects of education policy that the Committee deems appropriate for creating an educated workforce in our state; and

BE IT FURTHER RESOLVED that the Committee shall elect a chairperson and a vice chairperson for the Committee who shall serve during the pendency of the Committee; and

BE IT FURTHER RESOLVED that the authority of the Committee shall terminate on December 31, 2010; and

BE IT FURTHER RESOLVED that the Committee shall be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee.

Senator Griesheimer offered Senate Resolution No. 305, regarding Austin Gregory Vancil, Union, which was adopted.

Senator Griesheimer offered Senate Resolution No. 306, regarding William Stephen Domijan, Union, which was adopted.

Senator Goodman offered Senate Resolution No. 307, regarding the Ninetieth Birthday of Noman Jasper Nichols, Pineville, which was adopted.

## COMMUNICATIONS

President Pro Tem Shields submitted the following:

February 6, 2009

The Honorable Charlie Shields  
President Pro Tem  
State Capitol Room 326  
Jefferson City, MO 65101

Dear Senator,

I respectfully request my removal from the Advisory Council on Pain and Symptom Management effective immediately.

Sincerely,

/s/ Bill Stouffer

Wm. H. "Bill" Stouffer  
State Senator, District 21

Also,

January 20, 2009

The Honorable Charlie Shields  
President Pro Tem, Missouri Senate  
Room 326, State Capitol  
Jefferson City, MO 65101

Dear Charlie:

I am writing to request that I be allowed to resign from the Missouri Film Commission. I've had the pleasure of serving on this commission

for six years and I firmly believe it is time to let someone with less experience learn the ropes.

Senator David Pearce has expressed an interest in serving on this commission. I believe he would be an excellent replacement for me.

Sincerely,  
/s/ Norma Champion  
Norma Champion  
State Senator - District 30

Also,

February 11, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Arts Council Trust Fund Board of Trustees**

Dear Ms. Spieler,

Pursuant to Section 185.100, RSMo, I am appointing Senator Joan Bray to the Missouri Arts Council Trust Fund Board of Trustees.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,  
/s/ Charlie  
Charles W. Shields  
President Pro-Tem

Also,

February 11, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Missouri Tourism Commission**

Dear Ms. Spieler,

Pursuant to Section 620.455, RSMo, I am appointing Senator Ryan McKenna to the Missouri Tourism Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,  
/s/ Charlie  
Charles W. Shields  
President Pro-Tem

**INTRODUCTIONS OF GUESTS**

Senator Shields introduced to the Senate, Major Jeffrey Smith, Major Dorothy Smith, Major Lonneal Richardson and Major Patty Richardson, representing the Kansas, Western Missouri and Midland Divisions of the Salvation Army.

Senator Cunningham introduced to the Senate, Paul Reiter, Jennifer Scanlon, De'Amon Pernel, Josh Fuse, Ainya Huntley, Catherine Golterman, Erica Runge, Jerri Lynn Kraus, Bekka Chenoweth, Jessie Bergjans, Joe Bethel and Demetrius Davis, St. Louis.

Senator Pearce introduced to the Senate, the Physician of the Day, Dr. Curtis W. Long, M.D., Butler.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, February 16, 2009.

## SENATE CALENDAR

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 TWENTY-SECOND DAY—MONDAY, FEBRUARY 16, 2009
 

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 352-Bray	SB 364-Clemens and Schaefer
SB 353-Schmitt	SB 365-Clemens
SB 354-Dempsey	SB 366-Schmitt
SB 355-Dempsey	SB 367-Ridgeway
SB 356-Purgason	SB 368-Stouffer
SB 357-Purgason	SB 369-Stouffer
SB 358-Purgason	SB 370-Bray
SB 359-Purgason	SB 371-Bray
SB 360-Scott	SB 372-Dempsey
SB 361-Crowell	SB 373-Mayer
SB 362-Griesheimer	SB 374-Mayer
SB 363-Griesheimer	SB 375-Mayer, et al

## THIRD READING OF SENATE BILLS

SB 26-Ridgeway	SCS for SBs 36 & 112-Goodman (In Fiscal Oversight)
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## SENATE BILLS FOR PERFECTION

SBs 45, 212, 136, 278, 279, 285 & 288-Pearce, with SCS	SB 29-Stouffer
SB 140-Smith, with SCS	SB 100-Schaefer, with SCS
SBs 223 & 226-Goodman, with SCS	SB 58-Stouffer
	SB 189-Shields, with SCS

## HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS (Griesheimer)  
(In Fiscal Oversight)

## INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 37-Goodman, with SCS & SA 1 (pending)

SB 128-Rupp, with SCS, SA 1 & SA 1 to  
SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/11

SB 154-Goodman  
SB 38-Rupp  
SB 147-Dempsey

SB 156-Goodman  
SB 171-Griesheimer

RESOLUTIONS

SR 139-Engler

Reported from Committee

SR 141-Engler, with point of order (pending)

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# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-SECOND DAY—MONDAY, FEBRUARY 16, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Always vote for principle, though you may vote alone, and you may cherish the sweetest reflection that your vote is never lost.” (John Quincy Adams, 6<sup>th</sup> President of the United States)

Gracious God, You have blessed us with outstanding leaders called like we are to serve the people who elected them. Help us always to be people of integrity who vote for the principles and values we hold most dear. Guide us along right pathways that provide decisions and actions to reflect the type of people You want us to be. And abide with us so we may know You and converse with You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 12, 2009 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Scott offered Senate Resolution No. 308, regarding Christopher Andrew Hoffmann, Sedalia, which was adopted.

Senator Schmitt offered Senate Resolution No. 309, regarding Aimee Rich, which was adopted.

Senator Schmitt offered Senate Resolution No. 310, regarding the Highway 61 Roadhouse and Kitchen, which was adopted.

Senator Schmitt offered Senate Resolution No. 311, regarding Deborah Reid, which was adopted.

Senator Schmitt offered Senate Resolution No. 312, regarding the Shepherd's Center of Webster/Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 313, regarding Don and Tracy Drissell, which was adopted.

Senator Schmitt offered Senate Resolution No. 314, regarding Emmanuel and Dawn Martirez, which was adopted.

Senator Schmitt offered Senate Resolution No. 315, regarding Ed Johnson, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 316, regarding Irving School, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 317, regarding Carolyn Hewes Toft, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 318, regarding the Meeks family, which was adopted.

Senator Bray offered Senate Resolution No. 319, regarding the Sixty-sixth Wedding Anniversary of Mr. and Mrs. George Trebilcock, Overland, which was adopted.

Senator Vogel offered Senate Resolution No. 320, regarding Twehous Excavating Company, Incorporated, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 321, regarding Opies Transport, Incorporated, Eldon, which was adopted.

Senator Mayer offered Senate Resolution No. 322, regarding Samantha Green, Malden, which was adopted.

Senator Scott offered Senate Resolution No. 323, regarding Joni Bollig, which was adopted.

Senator Crowell offered Senate Resolution No. 324, regarding Martha A. Floyd, Millersville, which was adopted.

Senator Engler offered Senate Resolution No. 325, regarding Joseph Benson, Potosi, which was adopted.

Senator Griesheimer offered Senate Resolution No. 326, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Floyd T. Pratt, St. Clair, which was adopted.

Senator Shields offered Senate Resolution No. 327, regarding Beauford Wayne "B.W." Robinson, which

was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 376**—By Lager and Callahan.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to energy efficiency investments by electric and gas corporations.

**SB 377**—By Rupp.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to research park annexation.

**SB 378**—By Nodler.

An Act to repeal sections 208.437, 208.480, 338.535, 338.550, and 633.401, RSMo, and to enact in lieu thereof five new sections relating to certain provider taxes, with an emergency clause.

**SB 379**—By McKenna.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to minimum pay for certain corrections employees.

**SB 380**—By Stouffer.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales tax exemption for farm products sold at farmers' markets.

**SB 381**—By Schaefer.

An Act to amend chapter 442, RSMo, by adding thereto one new section relating to conservation easements.

**SB 382**—By Schaefer.

An Act to amend chapter 197, RSMo, by adding thereto eleven new sections relating to reporting, analysis, and dissemination of information about medical errors.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 1**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Shields referred **SS** for **SCS** for **SB 1** to the Committee on Governmental Accountability and Fiscal Oversight.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

## GOVERNOR OF MISSOURI

Jefferson City

65102

February 12, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michelle L. Hoffmeister, 3071 Countryside Drive, Farmington, Saint Francois County, Missouri 63640, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Gary Stevens, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

Jefferson City

65102

February 12, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brenda L. Niemeyer, Route 1, Box 174, Edina, Knox County, Missouri 63537, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Kim Riley, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

Jefferson City

65102

February 12, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sharon M. Williams, 5537 North East Northgate Crossing, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2009, and until her successor is duly appointed and qualified; vice, Pamela Schneeflock, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

Jefferson City

65102

February 16, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:



Peggy Gettemeier, 1072 Chalet Drive, Ferguson, Saint Louis County, Missouri 63135, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
February 16, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jimmie Lee Wells, Democrat, 12488 Highway Y, Bowling Green, Pike County, Missouri 63334, as a member of the Board of Probation and Parole, for a term ending February 16, 2015, and until his successor is duly appointed and qualified; vice, David Bertrand, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 352**—Health, Mental Health, Seniors and Families.

**SB 353**—Jobs, Economic Development and Local Government.

**SB 354**—Jobs, Economic Development and Local Government.

**SB 355**—Jobs, Economic Development and Local Government.

**SB 356**—Agriculture, Food Production and Outdoor Resources.

**SB 357**—Transportation.

**SB 358**—Jobs, Economic Development and Local Government.

**SB 359**—Jobs, Economic Development and Local Government.

**SB 360**—Financial and Governmental Organizations and Elections.

**SB 361**—Financial and Governmental Organizations and Elections.

**SB 362**—Jobs, Economic Development and Local Government.

**SB 363**—Jobs, Economic Development and Local Government.

**SB 364**—Agriculture, Food Production and Outdoor Resources.

**SB 365**—Health, Mental Health, Seniors and Families.

**SB 366**—Rules, Joint Rules, Resolutions and Ethics.

**SB 367**—Ways and Means.

**SB 368**—Transportation.

**SB 369**—Health, Mental Health, Seniors and Families.

**SB 370**—Financial and Governmental Organizations and Elections.

**SB 371**—Commerce, Consumer Protection, Energy and the Environment.

**SB 372**—Agriculture, Food Production and Outdoor Resources.

**SB 373**—Education.

**SB 374**—General Laws.

**SB 375**—Health, Mental Health, Seniors and Families.

### **RE-REFERRALS**

President Pro Tem Shields re-referred **SB 191** to the Committee on Governmental Accountability and Fiscal Oversight.

### **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

February 12, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Joint Committee on Tax Policy**

Dear Ms. Spieler,

Pursuant to Section 21.810, RSMo, I am appointing Senator Robin Wright-Jones to the Joint Committee on Tax Policy.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,

February 12, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Joint Committee on Capitol Improvements and Leases Oversight**

Dear Ms. Spieler,

Pursuant to Section 21.530, RSMo, I am appointing the following Senators to the Joint Committee on Capitol Improvements and Leases Oversight:

Senator Timothy Green

Senator Robert Mayer

Senator David Pearce

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

President Pro-Tem

Also,

February 13, 2009

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

201 West Capitol Avenue

Jefferson City, MO 65101

**RE: Appointments to the Missouri Consolidated Health Care Plan Board of Trustees**

Dear Ms. Spieler,

Pursuant to Section 103.008, RSMo, I am appointing the following Senators to the Missouri Consolidated Health Care Plan Board of Trustees:

Senator Scott

Senator Barnitz

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

President Pro-Tem

## INTRODUCTIONS OF GUESTS

Senator Wright-Jones introduced to the Senate, members of Delta Sigma Theta Society, Inc. from around the state.

Senator Stouffer introduced to the Senate, members of 4-H Legislative Academy: Hannah Bartholomew, Taylor Moreland, and Samantha Warner, Johnson County; Meredith Brunkow, Clay County; Andrew Fisher and Ethan Colbert, Monroe County; Natasha Frost, Jackson County; Lane Howard and Julia Witthaus, Dent County; Sara Kahrs, St. Clair County; Tyler Lappe, Cape Girardeau County; Kelsea Scott, Cole County; and Rajaye Smith, Stoddard County.

Senator Scott introduced to the Senate, John Clark, Belton; Kevin Dockery, James, Tara and Megan Cihy, and members of Boy Scout Troop 34 Alan and Christian Dockery, Cole and Matthew Cihy, Trent Clark, and Tyler Davis, Warsaw.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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TWENTY-THIRD DAY—TUESDAY, FEBRUARY 17, 2009

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 376-Lager and Callahan

SB 377-Rupp

SB 378-Nodler  
SB 379-McKenna  
SB 380-Stouffer

SB 381-Schaefer  
SB 382-Schaefer

### THIRD READING OF SENATE BILLS

SB 26-Ridgeway  
SCS for SBs 36 & 112-Goodman  
(In Fiscal Oversight)

SS for SCS for SB 1-Scott  
(In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SBs 45, 212, 136, 278, 279,  
285 & 288-Pearce, with SCS  
SB 140-Smith, with SCS  
SBs 223 & 226-Goodman, with SCS

SB 29-Stouffer  
SB 100-Schaefer, with SCS  
SB 58-Stouffer  
SB 189-Shields, with SCS

### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 37-Goodman, with SCS & SA 1 (pending)

SB 128-Rupp, with SCS, SA 1 & SA 1 to  
SA 1 (pending)

### CONSENT CALENDAR

Senate Bills

Reported 2/11

SB 154-Goodman  
SB 38-Rupp  
SB 147-Dempsey

SB 156-Goodman  
SB 171-Griesheimer

### RESOLUTIONS

SR 139-Engler

Reported from Committee

SR 141-Engler, with point of order (pending)

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# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-THIRD DAY—TUESDAY, FEBRUARY 17, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Compassion and justice are companions, not choices.” (William Sloane Coffin)

As we go through the various bills that confront us Lord, remind us that You seek justice and compassion in all decisions that affect the lives of the people we serve. Help us keep in mind that they are truly two colleagues that should not be seen separately for each offer a completion of the other. And help us to be people who live with both qualities in all we do everyday. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

President Pro Tem Shields assumed the Chair.

Senator Engler announced that photographers from KRCG-TV and Wade Multimedia, LLC, had been given permission to film in the Senate Chamber and Gallery today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

### **RESOLUTIONS**

Senator Wright-Jones offered Senate Resolution No. 328, regarding Big Brothers Big Sisters of Eastern Missouri, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 329, regarding Kahlil Irving, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 330, regarding Nicola Loeb, Saint Louis, which was adopted.

Senator McKenna offered Senate Resolution No. 331, regarding Nicholas Russo, Imperial, which was adopted.

Senator McKenna offered Senate Resolution No. 332, regarding Nathan Russo, Imperial, which was adopted.

Senator McKenna offered Senate Resolution No. 333, regarding Joseph Alan Hook, II, Imperial, which was adopted.

Senator McKenna offered Senate Resolution No. 334, regarding Kyle Joe Johnson, Imperial, which was adopted.

Senator McKenna offered Senate Resolution No. 335, regarding the One Hundredth Birthday of Betty McGrane Thurman, Festus, which was adopted.

Senator McKenna offered Senate Resolution No. 336, regarding Michael “Chris” Walter, Arnold, which was adopted.

Senator McKenna offered Senate Resolution No. 337, regarding Sumner Tristan Hunnewell, Arnold, which was adopted.

Senator McKenna offered Senate Resolution No. 338, regarding David M. Schoen, Imperial, which was adopted.

Senator McKenna offered Senate Resolution No. 339, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Freeman, which was adopted.

Senator Engler offered Senate Resolution No. 340, regarding Whitney Welch, Bonne Terre, which was adopted.

Senator Lager offered Senate Resolution No. 341, regarding the One Hundredth Birthday of Verda E. Stafford, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 342, regarding Julia Alexander Harris, Bethany, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 383**—By Dempsey.

An Act to repeal section 169.030, RSMo, and to enact in lieu thereof one new section relating to contribution rates for the public school retirement system of Missouri, with penalty provisions.

**SB 384**—By Lager.

An Act to repeal section 327.272, RSMo, and to enact in lieu thereof two new sections relating to geographical information systems.

**SB 385**—By Lager.

An Act to amend chapter 49, RSMo, by adding thereto one new section relating to county ordinances governing brush control, with penalty provisions.

**SB 386**—By Lager.

An Act to repeal section 67.2000, RSMo, and to enact in lieu thereof one new section relating to the creation of exhibition and recreational facility districts.

**SB 387**—By Barnitz.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to transient guest taxes.

**SB 388**—By Barnitz.

An Act to repeal sections 210.482, 210.486, 210.545, 210.565, 210.566, 453.026, and 453.030, RSMo, and to enact in lieu thereof seven new sections relating to foster care and adoption.

**SB 389**—By Bray.

An Act to repeal sections 21.145, 105.456, 105.961, 105.963, 130.016, 130.021, 130.037, 130.047, and 130.048, RSMo, and to enact in lieu thereof thirteen new sections relating to ethics, with penalty provisions.

**SB 390**—By Schaefer and Pearce.

An Act to repeal section 173.1105, RSMo, and to enact in lieu thereof one new section relating to the access Missouri financial assistance program.

**SB 391**—By Schaefer.

An Act to amend chapter 319, RSMo, by adding thereto one new section relating to public safety arising from geologic sequestration.

### **SENATE BILLS FOR PERFECTION**

Senator Pearce moved that **SB 45, SB 212, SB 136, SB 278, SB 279, SB 285** and **SB 288**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 45, 212, 136, 278, 279, 285 and 288**

An Act to repeal sections 100.760, 100.770, 100.850, 135.155, 135.680, 135.800, 135.802, 135.805, 253.550, 620.014, 620.017, 620.472, 620.495, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof twenty-five new sections relating to tax incentives for business development, with an emergency clause and an expiration date for a certain section.

Was taken up.

Senator Pearce moved that **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288** be adopted.

At the request of Senator Pearce, **SB 45**, **SB 212**, **SB 136**, **SB 278**, **SB 279**, **SB 285** and **SB 288**, with **SCS** (pending), were placed on the Informal Calendar.

Senator Smith moved that **SB 140**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 140**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 140

An Act to repeal section 568.040, RSMo, and to enact in lieu thereof two new sections relating to criminal nonsupport, with penalty provisions.

Was taken up.

Senator Smith moved that **SCS** for **SB 140** be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

On motion of Senator Smith, **SCS** for **SB 140** was declared perfected and ordered printed.

Senator Goodman moved that **SB 223** and **SB 226**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 223** and **226**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 223 and 226

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented businesses, with penalty provisions and a severability clause.

Was taken up.

Senator Goodman moved that **SCS** for **SBs 223** and **226** be adopted.

At the request of Senator Goodman, **SB 223** and **SB 226**, with **SCS** (pending), were placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SBs 36** and **112**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator Engler, the Senate recessed until 2:45 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Shields.

**REPORTS OF STANDING COMMITTEES**

On behalf of Senator Nodler, Chairman of the Committee on Appropriations, Senator Engler submitted the following report:



Mr. President: Your Committee on Appropriations, to which was referred **SB 313**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt assumed the Chair.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 5, as it appears on Page 91 of the Senate Journal for Monday, January 12, 2009, Line 45 of said journal page, by striking “1994” and inserting in lieu thereof the following: “**1944**”.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 7**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 304**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 303**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 302**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 17**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 207**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE RESOLUTION NO. 207

WHEREAS, the education of its youth is one of the highest priorities of the Missouri State Constitution; and

WHEREAS, the Missouri Senate strongly concurs therein; and

WHEREAS, the St. Louis Public School District and the Kansas City School District have been entrusted with that task; and

WHEREAS, the St. Louis Public School District and the Kansas City School District are political subdivisions of the state of Missouri and they derive the vast majority of their funding and their authority from the state of Missouri; and

WHEREAS, the St. Louis Public School District and the Kansas City School District have closed many school buildings in recent years; and

WHEREAS, these school buildings were constructed over the course of the past century with the use of taxpayer money for the purpose of providing a free public education in accordance with the principles of the Missouri Constitution; and

WHEREAS, many of these school buildings remain suitable facilities for providing an education for Missouri's children; and

WHEREAS, the St. Louis Public School District and the Kansas City School District are attempting to sell many of their now closed school buildings; and

WHEREAS, private, religious and public charter schools also educate the youth of Missouri within the St. Louis Public School District and the Kansas City School District; and

WHEREAS, reports of discriminatory sales practices by the St. Louis Public School District and the Kansas City School District of surplus school buildings against private, religious or public charter schools have been reported; and

WHEREAS, these buildings were architecturally designed to be used as school facilities for educating children, and by such a design, cannot easily be used for other purposes; and

WHEREAS, such practices would constitute an inefficient use and a waste of limited resources that could be used in a productive and effective manner to educate children; and

WHEREAS, such practices would constitute a public discredit to institutions of state and local government by needlessly preventing their use and represents a waste of state funds and tax dollars, particularly given the difficult and challenging economic times; and

WHEREAS, such practices would be anathema to sound business practice, the Constitution of Missouri, the interests of taxpayers, the education of youth, and the Missouri Senate:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby ask the members of the Special Administrative Board of the Transitional School District of the City of St. Louis, the superintendent and officers of the St. Louis Public School District, the members of the board of education of the Kansas City School District, and the superintendent and officers of the Kansas City School District to determine if any such policy of discriminatory sales practice is held or similar practice is tolerated and report their intention to cease such policy and practices immediately and to respond to the members of the Missouri Senate regarding their compliance at the next public meeting of the Special Administrative Board of the Transitional School District of the City of St. Louis and the next public meeting of the board of education of the Kansas City School District; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Special Administrative Board of the Transitional School District of the City of St. Louis, the superintendent and officers of the St. Louis Public School District, the members of the board of education of the Kansas City School District, and the superintendent and officers of the Kansas City School District, and send them via the United States Postal Service, with return receipt service.

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS for SB 140**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## REFERRALS

President Pro Tem Shields referred **SCS for SB 140** to the Committee on Governmental Accountability and Fiscal Oversight.

## REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 38**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

### **RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 343, regarding Kevin Michael Tew, Benton, which was adopted.

### **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

February 12, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Joint Committee on Legislative Research**

Dear Ms. Spieler,

Pursuant to Section 23.010, RSMo, I am appointing the following Senators to the Joint Committee on Legislative Research:

Senator Jason Crowell  
Senator Tom Dempsey  
Senator Jack Goodman  
Senator Timothy Green  
Senator Jeff Smith

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie  
Charles W. Shields  
President Pro-Tem

Also,

February 16, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Joint Committee on Transportation Oversight**

Dear Ms. Spieler,

Pursuant to Section 21.795, RSMo, I am appointing Senator Bill Stouffer to the Joint Committee on Transportation Oversight.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie  
Charles W. Shields  
President Pro-Tem

### **INTRODUCTIONS OF GUESTS**

Senator Griesheimer introduced to the Senate, Tim Baker and Bill McLaren, Pacific.

On behalf of Senator Shields, the President introduced to the Senate, Robert and Matthew Wagner, Platte County.

Senator Shoemyer introduced to the Senate, Dr. Bill Heffernan, Columbia.

Senator Barnitz introduced to the Senate, Jonna Cartwright, Salem; Lisa Brun, Switzerland; Leslie Huffman, Rolla; and Leisa Stilley, Licking.

Senator Mayer introduced to the Senate, teachers and students, Kristen Alexander, Geortasia Bryant, Austin Sellers, Kaitlyn Bracken, Olivia Akins, Dalton Gurley, Bethany Beck, Madison Prater, Cameron Floyd, Hunter Dickey, Kendall Pittman, Alana Mann, Statyn Coppage, Morgan Russell, Caleigh Griffin, Alyssa Counce, Sadie Singleton, Ben Counce, Corey Miller, Stacy Bradshaw, Ginger Goldsby and Stephanie McGraw, from Caruthersville Middle School; and Ben, Corey, Stacy, Ginger and Stephanie were made honorary pages.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Frank Reiger, III, M.D., FACS, Columbia.

Senator Pearce introduced to the Senate, Samantha Warner, Archie.

Senator Ridgeway introduced to the Senate, Meredith Brunkow, Kearney.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 18, 2009

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 376-Lager and Callahan  
 SB 377-Rupp  
 SB 378-Nodler  
 SB 379-McKenna  
 SB 380-Stouffer  
 SB 381-Schaefer  
 SB 382-Schaefer  
 SB 383-Dempsey

SB 384-Lager  
 SB 385-Lager  
 SB 386-Lager  
 SB 387-Barnitz  
 SB 388-Barnitz  
 SB 389-Bray  
 SB 390-Schaefer and Pearce  
 SB 391-Schaefer

### THIRD READING OF SENATE BILLS

SB 26-Ridgeway  
 SCS for SBs 36 & 112-Goodman  
 SS for SCS for SB 1-Scott (In Fiscal Oversight)

SCS for SB 140-Smith and Wright-Jones  
 (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 29-Stouffer  
SB 100-Schaefer, with SCS  
SB 58-Stouffer

SB 189-Shields, with SCS  
SB 313-Nodler and Bray, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 37-Goodman, with SCS & SA 1 (pending)  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce, with SCS (pending)

SB 128-Rupp, with SCS, SA 1 & SA 1 to  
SA 1 (pending)  
SBs 223 & 226-Goodman, with SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/11

SB 154-Goodman  
SB 147-Dempsey

SB 156-Goodman  
SB 171-Griesheimer

RESOLUTIONS

SR 139-Engler

Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 5-Stouffer, with SCA 1  
SCR 7-Pearce  
SR 304-Shields

SR 303-Shields  
SR 302-Shields  
SCR 17-Shields  
SR 207-Lembke, with SCS

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# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 18, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“All that is valuable in human society depends upon the opportunity for development accorded to the individual.” (Albert Einstein)

Almighty God, as we consider the effects of the bills and budget concerns that we must in this difficult year, help us provide opportunities for our citizens to develop their creativity and potential as You have created them. And help us to help them find expression and full measure of their potential so it may benefit others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Nodler offered Senate Resolution No. 344, regarding Gerald Hulsey, Carthage, which was adopted.

Senator Nodler offered Senate Resolution No. 345, regarding Ernest “Lee” Combs, Diamond, which was adopted.

Senator Nodler offered Senate Resolution No. 346, regarding James Patterson, Fort Smith, Arkansas, which was adopted.

Senator Nodler offered Senate Resolution No. 347, regarding Elizabeth Mouton, Carthage, which was adopted.

Senator Scott offered Senate Resolution No. 348, regarding the Thirty-third Anniversary of the Fraternal Order of Eagles 3667, Clinton, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 392**—By Shields.

An Act to repeal section 143.071, RSMo, and to enact in lieu thereof one new section relating to taxation of corporate income.

**SB 393**—By Green and Bartle.

An Act to repeal sections 100.250, 100.255, 100.260, 100.263, 100.265, 100.270, 100.275, 100.277, 100.281, 100.282, 100.286, 100.287, 100.291, 100.292, 100.293, 100.296, and 100.297, RSMo, relating to the repeal of the Missouri development finance board act.

**SB 394**—By Ridgeway.

An Act to repeal sections 338.210 and 338.260, RSMo, and to enact in lieu thereof two new sections relating to certain business names.

**SB 395**—By Ridgeway.

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to the public school retirement system of Missouri, with penalty provisions.

**SB 396**—By Justus.

An Act to repeal section 311.060, RSMo, and to enact in lieu thereof one new section relating to liquor licenses.

**SB 397**—By Shoemyer and Griesheimer.

An Act to amend chapter 324, RSMo, by adding thereto twenty-seven new sections relating to the regulation of the auto body repair industry, with penalty provisions.

**SB 398**—By Barnitz.

An Act to repeal section 569.145, RSMo, and to enact in lieu thereof one new section relating to posting of property against trespassers, with penalty provisions.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 243**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 9**, begs leave to report that it has considered the same and recommends that Senate Committee Substitute No. 2, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 157**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 265**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Mayer, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 152**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 55**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 79**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:



Mr. President: Your Committee on General Laws, to which was referred **SB 231**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 179**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 15**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 217**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 202**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 280**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

### **SENATE BILLS FOR PERFECTION**

At the request of Senator Stouffer, **SB 29** was placed on the Informal Calendar.

Senator Schaefer moved that **SB 100**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 100**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 100**

An Act to repeal section 260.750, RSMo, and to enact in lieu thereof two new sections relating to the transportation of radioactive waste.

Was taken up.

Senator Rupp assumed the Chair.

Senator Schaefer moved that **SCS** for **SB 100** be adopted.

Senator Shoemyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 100, Page 6, Section 260.392, Line 182, by inserting immediately after said line the following:

**“260.401. Each railroad employee who is required to operate, work on, or ride trains transporting shipments of high level radioactive waste, transuranic radioactive waste, or spent nuclear fuel within or through the state of Missouri shall be provided with an operative dosimeter or a personal radiation monitor capable of recording the appropriate dosage of radiation emitted by said shipments that he or she may receive during his or her entire time of exposure and shall be informed in writing of the individual dose he or she received during his or her tour of duty. Written notification shall be provided as promptly as practical, but shall be made no later than ninety days following the date the employee was finally relieved from all duties associated with said shipments. Dosimeters or personal radiation monitors shall be provided by the shipper unless other provisions have been made and they will be available for use upon entry into the state of Missouri or initial exit from a facility located within the state.”; and**

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SCS for SB 100**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS for SB 100**, as amended, was declared perfected and ordered printed.

At the request of Senator Stouffer, **SB 58** was placed on the Informal Calendar.

Senator Shields moved that **SB 189**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 189**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 189

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof one new section relating to prohibited activities by Kansas City police officers, with penalty provisions.

Was taken up.

Senator Shields moved that **SCS for SB 189** be adopted, which motion prevailed.

Senator Shields moved that **SCS for SB 189** be declared perfected and ordered printed.

At the request of Senator Shields, **SCS for SB 189** was placed on the Informal Calendar.

Senator Nodler moved that **SB 313**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 313**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 313

An Act to amend chapter 30, RSMo, by adding thereto two new sections relating to the receipt of federal economic stimulus funds, with an emergency clause.

Was taken up.

Senator Nodler moved that **SCS** for **SB 313** be adopted.

Senator Nodler offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 313, Page 2, Section 30.1014, Line 15, by inserting immediately after all of said line the following:

**“Section 1. The state treasurer is hereby authorized to create funds as necessary to avoid conflict with provisions of federal law prohibiting commingling of certain funds derived from the American Recovery and Reinvestment Act of 2009, as enacted by the 111th United States Congress.”; and**

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Nodler moved that **SCS** for **SB 313**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **SB 313**, as amended, was declared perfected and ordered printed.

#### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 100**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

#### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 96**, entitled:

An Act to repeal sections 160.261, 160.660, 161.650, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.133, and 210.102, and to enact in lieu thereof eighteen new sections relating to school protection measures, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

#### REFERRALS

With the consent of the sponsor, President Pro Tem Shields referred **SR 139** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

#### RESOLUTIONS

Senator Vogel offered Senate Resolution No. 349, regarding the One Hundred Fiftieth Anniversary of the city of Fulton, which was adopted.

Senator Ridgeway offered Senate Resolution No. 350, regarding Cody Kesler, Liberty, which was

adopted.

Senator Pearce offered Senate Resolution No. 351, regarding Howard School Preservation Association, Warrensburg, which was adopted.

Senator Green offered Senate Resolution No. 352, regarding Clayton James Marolt, which was adopted.

Senator Green offered Senate Resolution No. 353, regarding the death of Sister Rosalie Supinski, OSF, which was adopted.

Senator Scott offered Senate Resolution No. 354, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Wilkins, Deepwater, which was adopted.

On motion of Senator Engler, the Senate recessed until 2:45 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Ridgeway.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 313**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

February 17, 2009  
Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Missouri Assistive Technology Advisory Council**

Dear Ms. Spieler,

Pursuant to Section 191.853 RSMo, I am appointing Senator Scott Rupp to the Missouri Assistive Technology Advisory Council.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,

February 18, 2009  
Ms. Terry Spieler  
Secretary of the Senate  
Room 325, State Capitol  
Jefferson City, MO 65101

**RE: Appointment to the Joint Committee on Terrorism, Bioterrorism and Homeland Security**

Dear Ms. Spieler,

Pursuant to Section 21.800 RSMo, I am appointing Senator David Pearce to the Joint Committee on Terrorism, Bioterrorism and Homeland

Security.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

President Pro-Tem

Also,

February 18, 2009

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

201 West Capitol Avenue

Jefferson City, MO 65101

**RE: Appointment to the Educational Commission of the States**

Dear Ms. Spieler,

Pursuant to Section 173.320, RSMo, I am appointing Senator Rob Mayer to the Educational Commission of the States.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

President Pro-Tem

Also,

February 18, 2009

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

201 West Capitol Avenue

Jefferson City, MO 65101

**RE: Appointments to the Missouri Energy Task Force**

Dear Ms. Spieler,

Pursuant to Executive Order 05-46, I am appointing Senators Brad Lager and Jim Lembke to the Missouri Energy Task Force.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

President Pro-Tem

Also,

February 18, 2009

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

201 West Capitol Avenue

Jefferson City, MO 65101

**RE: Appointment to the Board of Public Buildings**

Dear Ms. Spieler,

Pursuant to my election as President Pro Tem of the Missouri Senate, I agree to serve on the Board of Public Buildings under the provisions

of Section 8.010, RSMo.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

President Pro-Tem

## **INTRODUCTIONS OF GUESTS**

Senator Engler introduced to the Senate, Stephanie Barron and Carla Crocker, Bonne Terre.

Senator Bartle introduced to the Senate, Coaches Jim Brandner, Roger Lower, Denise Parker, Zoe Wheeler and players, Anna Cole, Katie Davidson, Lauren Eisenreich, Kristen Heil, Kelsey Kessler, Kelsi O'Neill, Jocelyn Price, Lainey Priddy, Amanda Self, Kaylea Smith, Ashtin Stephens, Mackenzie Sykes, Bria Taylor, Nikki White, Taylor Williams and Spencer Wittmeyer, members of the Blue Springs High School Wildcats 2008 Class 4 State Champions softball team.

Senator Nodler introduced to the Senate, Katie Strawn and fifteen students from College Heights Christian School, Joplin.

Senator Shields, introduced to the Senate, Bryan and Sarah Kretzinger, St. Joseph; and Susan Ruckman, Savannah.

On behalf of Senator Rupp and himself, Senator Dempsey introduced to the Senate, members of Vision St. Charles County Leadership.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Tom Saak, M.D., St. Louis.

On motion of Senator Engler, the Senate adjourned under the rules.

## **SENATE CALENDAR**

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**TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 19, 2009**

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## **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 376-Lager and Callahan  
SB 377-Rupp  
SB 378-Nodler  
SB 379-McKenna  
SB 380-Stouffer  
SB 381-Schaefer  
SB 382-Schaefer  
SB 383-Dempsey  
SB 384-Lager  
SB 385-Lager

SB 386-Lager  
SB 387-Barnitz  
SB 388-Barnitz  
SB 389-Bray  
SB 390-Schaefer and Pearce  
SB 391-Schaefer  
SB 392-Shields  
SB 393-Green and Bartle  
SB 394-Ridgeway  
SB 395-Ridgeway

SB 396-Justus  
 SB 397-Shoemyer and Griesheimer

SB 398-Barnitz

### HOUSE BILLS ON SECOND READING

HCS for HB 96

### THIRD READING OF SENATE BILLS

SB 26-Ridgeway  
 SCS for SBs 36 & 112-Goodman  
 SS for SCS for SB 1-Scott  
 (In Fiscal Oversight)

SCS for SB 140-Smith and Wright-Jones  
 (In Fiscal Oversight)  
 SCS for SB 100-Schaefer  
 SCS for SB 313-Nodler and Bray

### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
 (Griesheimer) (In Fiscal Oversight)

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB-29-Stouffer  
 SB 37-Goodman, with SCS & SA 1 (pending)  
 SBs 45, 212, 136, 278, 279, 285 &  
 288-Pearce, with SCS (pending)  
 SB 58-Stouffer

SB 128-Rupp, with SCS, SA 1 & SA 1 to SA 1  
 (pending)  
 SCS for SB 189-Shields  
 SBs 223 & 226-Goodman, with SCS (pending)

### CONSENT CALENDAR

Senate Bills

Reported 2/11

SB 154-Goodman  
 SB 147-Dempsey

SB 156-Goodman  
 SB 171-Griesheimer

Reported 2/18

SB 243-Pearce, with SCS  
 SB 9-Champion, with SCS#2

SB 157-Schmitt, with SCS  
 SB 8-Champion, with SCS

SB 265-Mayer, et al, with SCS  
SB 152-Clemens, with SCS  
SB 55-Days  
SB 79-Wilson  
SB 231-Cunningham, with SCS

SB 179-Wright-Jones, with SCS  
SB 15-Nodler, with SCS  
SB 217-Goodman  
SB 202-Schaefer, with SCS  
SB 280-Rupp and Cunningham

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 5-Stouffer, with SCA 1  
SCR 7-Pearce  
SR 304-Shields

SR 303-Shields  
SR 302-Shields  
SCR 17-Shields  
SR 207-Lembke, with SCS

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# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 19, 2009**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Sometimes the Lord rides out the storm with us and other times He calms the restless sea around us. Most of all, He calms the storm inside us in our deepest inner soul.” (Lloyd John Ogilvie)

Merciful God, You truly do what is best for us and can help to calm the passions that sometimes grow unchecked within us. Do so as we travel home to loved ones and leave what is frustrating us here so we may use this time to share in loving and caring ways with those You have given us to love. And may we be found in prayer in Your house this weekend beside those we love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Shoemyer offered Senate Resolution No. 355, regarding the One Hundredth Birthday of Leona Blanche Gibson Calvert, Shelbina, which was adopted.

Senator Shoemyer offered Senate Resolution No. 356, regarding the One Hundred Twenty-fifth Anniversary of the founding of Saint John's Lutheran Church, Mexico, which was adopted.

Senator Schaefer offered Senate Resolution No. 357, regarding Cadet Second Lieutenant Spenser Market, Columbia, which was adopted.

Senator Pearce offered Senate Resolution No. 358, regarding Daniel P. Frazier, Holden, which was adopted.

Senator Nodler offered Senate Resolution No. 359, regarding Rex West, Greenfield, which was adopted.

Senator Goodman offered Senate Resolution No. 360, regarding Donavon C. Lakin, Pierce City, which was adopted.

## CONCURRENT RESOLUTIONS

Senator Shields moved that **SCR 17** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SCR 17** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Schaefer—1

Absent with leave—Senators—None

Vacancies—None

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 399**—By Justus.

An Act to amend chapter 141, RSMo, by adding thereto one new section relating to the compromise of taxes and penalties for properties subject to certain actions as abandoned property.

**SB 400**—By Dempsey.

An Act to amend chapter 324, RSMo, by adding thereto twenty-four new sections relating to the

regulation of the auto body repair industry, with penalty provisions.

**SB 401**—By Goodman.

An Act to amend chapter 478, RSMo, by adding thereto three new sections relating to certain judicial circuits.

**SB 402**—By Goodman.

An Act to repeal section 565.084, RSMo, and to enact in lieu thereof one new section relating to tampering with a judicial officer, with penalty provisions.

**SB 403**—By Vogel.

An Act to repeal section 105.270, RSMo, and to enact in lieu thereof one new section relating to the salaries of certain state officials, with penalty provisions.

**SB 404**—By Mayer.

An Act to repeal sections 313.055 and 313.057, RSMo, and to enact in lieu thereof one new section relating to the repeal of certain taxes on licensed gaming activities, with penalty provisions.

**SB 405**—By Scott.

An Act to repeal sections 700.100, 700.350, 700.370, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, and 700.539, RSMo, and to enact in lieu thereof nine new sections relating to manufactured housing.

**SB 406**—By Scott.

An Act to repeal sections 195.070, 195.100, and 334.735, RSMo, and to enact in lieu thereof four new sections relating to physician assistants prescribing controlled substances.

**SB 407**—By Scott.

An Act to amend chapter 103, RSMo, by adding thereto one new section relating to state employee health care.

**SB 408**—By Scott.

An Act to repeal section 570.120, RSMo, and to enact in lieu thereof one new section relating to prosecuting the crime of passing bad checks, with penalty provisions.

### **REPORTS OF STANDING COMMITTEES**

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **THIRD READING OF SENATE BILLS**

**SB 26**, introduced by Senator Ridgeway, entitled:

An Act to repeal section 578.255, RSMo, and to enact in lieu thereof one new section relating to alcohol

beverage vaporizers.

Was taken up.

Senator Dempsey assumed the Chair.

On motion of Senator Ridgeway, **SB 26** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Barnitz	Griesheimer	Shoemyer—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SBs 36** and **112**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 36 and 112

An Act to repeal sections 559.115, 566.030, and 566.060, RSMo, and to enact in lieu thereof three new sections relating to the penalties for certain forcible sexual offenses committed against children, with penalty provisions.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS** for **SBs 36** and **112** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 1**, introduced by Senator Scott, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1

An Act to repeal sections 208.010, 436.005, 436.007, 436.011, 436.015, 436.021, 436.027, 436.031, 436.035, 436.038, 436.041, 436.045, 436.048, 436.051, 436.053, 436.055, 436.061, 436.063, 436.065, 436.067, 436.069, and 436.071, RSMo, and to enact in lieu thereof thirty-five new sections relating to preneed funeral contracts, with penalty provisions.

Was taken up.

On motion of Senator Scott, **SS** for **SCS** for **SB 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Barnitz	Clemens	Nodler—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 100**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 100

An Act to repeal section 260.750, RSMo, and to enact in lieu thereof three new sections relating to the transportation of radioactive waste.

Was taken up by Senator Schaefer.

On motion of Senator Schaefer, **SCS** for **SB 100** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 313**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 313

An Act to amend chapter 30, RSMo, by adding thereto three new sections relating to the receipt of federal economic stimulus funds, with an emergency clause.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **SCS** for **SB 313** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson—33							

NAYS—Senators—None

Absent—Senator Wright-Jones—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Wright-Jones—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Bartle assumed the Chair.

## RESOLUTIONS

Senator Dempsey offered the following resolution:

### SENATE RESOLUTION NO. 361

WHEREAS, there are 6,467 Missourians suffering from Chronic Kidney Failure, which requires dialysis or transplantation for maintenance of life; and

WHEREAS, every year more than 2,000 Missourians are newly diagnosed with Chronic Kidney Disease (CKD) Stage 5; and

WHEREAS, an increasing number of Missourians are at risk for developing chronic kidney disease due to our aging population, our level of obesity, plus the complications of diabetes and hypertension; and

WHEREAS, almost half of those who currently have CKD may have been able to prevent contracting this disease through healthy lifestyle choices; and

WHEREAS, early detection and treatment of CKD may prevent undue suffering, the need for dialysis treatments, and kidney transplantation; and

WHEREAS, March is National Kidney Month and Missourians need to be aware of Chronic Kidney Disease:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby recognize the month of March as Kidney Month in the State of Missouri and recommend that it be observed by the people with appropriate activities to promote public awareness of chronic kidney disease.

Senator Lembke offered Senate Resolution No. 362, regarding Joe Weinmann, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 363, regarding Marlene Shelton, Chesterfield, which was adopted.

Senator Lembke offered Senate Resolution No. 364, regarding John Weinmann, Saint Louis, which was adopted.

Senator Lembke moved that **SR 207**, with **SCS**, be taken up for adoption, which motion prevailed.

**SCS** for **SR 207** was taken up.

Senator Lembke moved that **SCS** for **SR 207** be adopted.

At the request of Senator Lembke, the motion to adopt **SCS** for **SR 207** was withdrawn, which placed the resolution back on the Calendar.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

February 18, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Peggy Gettemeier to the Missouri Board of Occupational Therapy, submitted on February 16, 2009. Line 1 should be amended as follows:

“Peggy Gettemeier, 1072 Chatelet Drive, Ferguson, Saint Louis County, Missouri 63135, as”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above addendum to the Committee on Gubernatorial Appointments.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John M. Huff, as Director of the Department of Insurance, Financial Institutions and Professional Registration;

Also,

Mark E. Ohrenberg, as a member of the Missouri Planning Council for Developmental Disabilities.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.



Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

### **RE-REFERRALS**

President Pro Tem Shields re-referred **SB 262** to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 215**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 72**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 89**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 104**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 261**, **SB 159**, **SB 180** and **SB 181**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 18**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 255**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 84**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 88**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 126**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rupp assumed the Chair.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 376**—Commerce, Consumer Protection, Energy and the Environment.

**SB 377**—Jobs, Economic Development and Local Government.

**SB 378**—Health, Mental Health, Seniors and Families.

**SB 379**—Financial and Governmental Organizations and Elections.

**SB 380**—Governmental Accountability and Fiscal Oversight.

**SB 381**—Agriculture, Food Production and Outdoor Resources.

**SB 382**—Health, Mental Health, Seniors and Families.

**SB 383**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 384**—Agriculture, Food Production and Outdoor Resources.

**SB 385**—Jobs, Economic Development and Local Government.

**SB 386**—Jobs, Economic Development and Local Government.

**SB 387**—Jobs, Economic Development and Local Government.

**SB 388**—Health, Mental Health, Seniors and Families.

**SB 389**—Governmental Accountability and Fiscal Oversight.

**SB 390**—Education.

**SB 391**—Commerce, Consumer Protection, Energy and the Environment.

**SB 392**—Ways and Means.

**SB 393**—Governmental Accountability and Fiscal Oversight.

**SB 394**—Small Business, Insurance and Industry.

**SB 395**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 396**—Financial and Governmental Organizations and Elections.

**SB 397**—Small Business, Insurance and Industry.

**SB 398**—Agriculture, Food Production and Outdoor Resources.

### **INTRODUCTIONS OF GUESTS**

Senator Pearce introduced to the Senate, Manuel Abarca, Trevor Cunningham and Darren Doherty, members of the University of Central Missouri Student Government Association, Warrensburg.

Senator Shoemyer introduced to the Senate, Roger and Shelby Sutter, Taylor.

Senator Rupp introduced to the Senate, the Physician of the Day, Dr. Jay Moore, M.D., Lake St. Louis.

Senator Schmitt introduced to the Senate, Councilman Gerry Biedenstein, Kirkwood.

Senator Days introduced to the Senate, Alderperson Millicent Johnson, Cool Valley.

Senator Scott introduced to the Senate, Roxy Hudson, Tamera Heitz-Peek, Brenda Harris, Jaime Renfro, Ellis Hall, Ted Zeuglin, Jennifer Earl, Steven G. Cain, Erin M. Russell, Tara Peterson, Carrie Beesley and Valerie Guston, members of Leadership Bolivar.

Senator Schmitt introduced to the Senate, Mayor David Willson and his wife, Mary, Manchester.

Senator Dempsey introduced to the Senate, Richard Veit, St. Charles.

Senator Bray introduced to the Senate, Mayor Mark Langston, Maplewood; and David Poger and Jenny Lorenz, Kirkwood.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, February 23, 2009.

### **SENATE CALENDAR**

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**TWENTY-SIXTH DAY—MONDAY, FEBRUARY 23, 2009**

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### **FORMAL CALENDAR**

#### **SECOND READING OF SENATE BILLS**

SB 399-Justus  
SB 400-Dempsey  
SB 401-Goodman  
SB 402-Goodman  
SB 403-Vogel

SB 404-Mayer  
SB 405-Scott  
SB 406-Scott  
SB 407-Scott  
SB 408-Scott

#### **HOUSE BILLS ON SECOND READING**

HCS for HB 96

## THIRD READING OF SENATE BILLS

SCS for SB 140-Smith and Wright-Jones  
(In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

- |   |                                |
|---|--------------------------------|
| 1. SB 215-Shields                           | 6. SB 18-Bray, et al, with SCS |
| 2. SB 72-Stouffer, with SCS                 | 7. SB 255-Pearce               |
| 3. SB 89-Stouffer, with SCS                 | 8. SB 84-Purgason              |
| 4. SB 104-Justus, et al, with SCS           | 9. SB 88-Stouffer, with SCS    |
| 5. SBs 261, 159, 180 & 181-Bartle, with SCS | 10. SB 126-Rupp                |

## HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB-29-Stouffer                           | SB 128-Rupp, with SCS, SA 1 & SA 1 to     |
| SB 37-Goodman, with SCS & SA 1 (pending) | SA 1 (pending)                            |
| SBs 45, 212, 136, 278, 279, 285 &        | SCS for SB 189-Shields                    |
| 288-Pearce, with SCS (pending)           | SBs 223 & 226-Goodman, with SCS (pending) |
| SB 58-Stouffer                           |   |

## CONSENT CALENDAR

## Senate Bills

Reported 2/11

- |                |                    |
|----------------|--------------------|
| SB 154-Goodman | SB 156-Goodman     |
| SB 147-Dempsey | SB 171-Griesheimer |

Reported 2/18

- |                           |                          |
|---------------------------|--------------------------|
| SB 243-Pearce, with SCS   | SB 157-Schmitt, with SCS |
| SB 9-Champion, with SCS#2 | SB 8-Champion, with SCS  |

SB 265-Mayer, et al, with SCS  
SB 152-Clemens, with SCS  
SB 55-Days  
SB 79-Wilson  
SB 231-Cunningham, with SCS

SB 179-Wright-Jones, with SCS  
SB 15-Nodler, with SCS  
SB 217-Goodman  
SB 202-Schaefer, with SCS  
SB 280-Rupp and Cunningham

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 5-Stouffer, with SCA 1  
SCR 7-Pearce

SR 304-Shields  
SR 303-Shields  
SR 302-Shields  
SR 207-Lembke, with SCS (pending)

### To be Referred

SR 361-Dempsey

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# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-SIXTH DAY—MONDAY, FEBRUARY 23, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“For we are God’s fellow-workers: ye are God’s husbandry, God’s builders.” (I Corinthians 3:9)

Gracious God, we give You thanks for bringing us safely back to our work we must do here. We are honored that You have shown us by making us Your co-workers, to cooperate with Your will for us, to be willing to work and even sacrifice in our caring for our fellow citizens. We know, Lord, that by doing so we are doing the work You have for us, for You have given us eyes to see the needs of Your people and time in which to use wisely and productively. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 19, 2009 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

### **RESOLUTIONS**

Senator Griesheimer offered Senate Resolution No. 365, regarding Samuel Aaron Thebeau, Union, which was adopted.

Senator Shields offered Senate Resolution No. 366, regarding Collin Douglas Edwards, which was adopted.

Senator Shields offered Senate Resolution No. 367, regarding Eli Samuel Eber, which was adopted.

Senator Shields offered Senate Resolution No. 368, regarding Mark Lehn Baldwin, III, which was adopted.

Senator Shields offered Senate Resolution No. 369, regarding Thomas Alan Prinslow, which was adopted.

Senator Shields offered Senate Resolution No. 370, regarding Joseph Laird Richey, which was adopted.

Senator Shields offered Senate Resolution No. 371, regarding Alexander Frank Williams, which was adopted.

Senator Stouffer offered Senate Resolution No. 372, regarding Michael Blake Calvert, Richmond, which was adopted.

Senator Scott offered Senate Resolution No. 373, regarding Jessica Bruce, Bolivar, which was adopted.

Senator Purgason offered Senate Resolution No. 374, regarding Audrey Wells, Cabool, which was adopted.

Senator Shields offered Senate Resolution No. 375, regarding Benjamin DeWayne Andersen, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 376, regarding the Fiftieth Anniversary of RiverSong, a Sweet Adelines International Chorus, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 377, regarding the March of Dimes, which was adopted.

Senator Vogel offered Senate Resolution No. 378, regarding Steve Eubanks, which was adopted.

Senator Vogel offered Senate Resolution No. 379, regarding Stephen Cotten, which was adopted.

Senator Lager offered Senate Resolution No. 380, regarding Josiah Lee Holloway, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 381, regarding Christian E. Fuller, Trenton, which was adopted.

Senator Barnitz offered Senate Resolution No. 382, regarding Jaci Bailey, Vienna, which was adopted.

Senator Barnitz offered Senate Resolution No. 383, regarding Tanna M. Collins, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 384, regarding Donna Jean McKeever, Jerome, which was adopted.

Senator Barnitz offered Senate Resolution No. 385, regarding Aubrey Pedrin, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 386, regarding Elizabeth Grahl, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 387, regarding Betty Turner, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 388, regarding Rebecca Fryer, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 389, regarding Rachel Lucas, Edgar Springs, which was adopted.

Senator Barnitz offered Senate Resolution No. 390, regarding Jonathan Rogers, Sullivan, which was adopted.

Senator Barnitz offered Senate Resolution No. 391, regarding Wal-Mart Transportation, Saint James, which was adopted.

Senator Barnitz offered Senate Resolution No. 392, regarding Dora Ann Opalewski Cole, Poplar Bluff, which was adopted.

Senator Nodler offered Senate Resolution No. 393, regarding Cave Springs School, Jasper County, which was adopted.

Senator Schmitt offered Senate Resolution No. 394, regarding Kevin Theodore Gollihur, which was adopted.

Senator Crowell offered Senate Resolution No. 395, regarding Mr. and Mrs. Ryan Buchanan McClure, which was adopted.

Senator Barnitz offered Senate Resolution No. 396, regarding Norman Herren, Saint Robert, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 409**—By Stouffer.

An Act to repeal sections 260.273, 260.275, and 260.276, RSMo, and to enact in lieu thereof three new sections relating to scrap tires.

**SB 410**—By Stouffer.

An Act to repeal sections 383.100, 383.105, 383.106, 383.120, 383.160, 383.165, 383.250, and 383.500, RSMo, and to enact in lieu thereof eight new sections relating to medical malpractice insurance.

**SB 411**—By Crowell.

An Act to amend chapter 100, RSMo, by adding thereto one new section relating to employees of the Missouri development finance board.

**SB 412**—By Dempsey.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to local community health coalitions.

**SB 413**—By Dempsey.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to free clinics.



**SB 414**—By Dempsey.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to billing for reportable incidents in health care.

**SB 415**—By Dempsey.

An Act to repeal sections 354.536, 376.426, 376.428, 376.453, 376.776, 376.966, 376.987, and 379.930, RSMo, and to enact in lieu thereof nineteen new sections relating to health insurance.

**SB 416**—By Dempsey and Days.

An Act to repeal sections 214.270, 214.276, 214.277, 214.280, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.385, 214.387, 214.392, 214.400, 214.410, 214.455, 214.500, 214.504, 214.508, 214.512, 214.516, and 214.550, RSMo, and to enact in lieu thereof thirty-one new sections relating to cemeteries, with penalty provisions.

**SB 417**—By Goodman.

An Act to repeal section 544.170, RSMo, and to enact in lieu thereof one new section relating to detention after arrest, with penalty provisions.

**SB 418**—By Goodman.

An Act to amend chapters 376 and 538, RSMo, by adding thereto two new sections relating to faith-based community health centers.

**SB 419**—By Purgason.

An Act to repeal section 260.315, RSMo, and to enact in lieu thereof one new section relating to solid waste management councils.

**SB 420**—By Pearce.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for processed biomass engineered fiber fuel.

**SB 421**—By Pearce.

An Act to repeal section 361.340, RSMo, and to enact in lieu thereof one new section relating to the powers of the director of finance.

**SB 422**—By Pearce.

An Act to repeal sections 162.961 and 162.963, RSMo, and to enact in lieu thereof two new sections relating to special education due process hearings.

**SB 423**—By Pearce.

An Act to repeal section 478.570, RSMo, and to enact in lieu thereof one new section relating to circuit judges in the seventeenth judicial circuit.

**SB 424**—By Justus.

An Act to amend chapter 82, RSMo, by adding thereto one new section relating to vacant substandard housing.

**SB 425**—By Justus.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for dental care services provided to pregnant women.

**SB 426**—By Griesheimer.

An Act to repeal sections 92.047, 311.020, 311.055, 311.060, 311.070, 311.181, 311.182, 311.195, 311.200, 311.211, 311.212, 311.218, 311.265, 311.280, 311.290, 311.300, 311.332, 311.480, 311.482, 311.485, 311.486, 311.487, 311.520, 311.610, 311.630, 311.680, 311.685, 311.722, 312.010, 312.020, 312.030, 312.040, 312.050, 312.060, 312.070, 312.080, 312.090, 312.100, 312.110, 312.120, 312.130, 312.140, 312.150, 312.160, 312.170, 312.180, 312.190, 312.200, 312.210, 312.220, 312.230, 312.233, 312.235, 312.237, 312.270, 312.280, 312.290, 312.300, 312.310, 312.320, 312.330, 312.340, 312.350, 312.360, 312.370, 312.380, 312.390, 312.400, 312.405, 312.407, 312.410, 312.420, 312.430, 312.440, 312.450, 312.460, 312.470, 312.480, 312.484, 312.490, 312.500, 312.510, 313.075, 313.340, 313.665, 313.840, 571.107, and 650.005, RSMo, and to enact in lieu thereof thirty-four new sections relating to nonintoxicating beer, with penalty provisions.

**SB 427**—By Griesheimer.

An Act to repeal section 319.015, RSMo, and to enact in lieu thereof two new sections relating to Missouri one call.

**SB 428**—By Griesheimer.

An Act to repeal sections 319.010, 319.015, 319.016, 319.022, 319.024, 319.025, 319.026, 319.027, 319.028, 319.029, 319.030, 319.035, 319.037, 319.040, 319.041, 319.042, 319.045, and 319.050, RSMo, relating to Missouri one call.

**SB 429**—By Smith.

An Act to amend chapters 161 and 162, RSMo, by adding thereto two new sections relating to teacher assessments.

**SB 430**—By Smith.

An Act to repeal sections 64.170, 67.280, and 143.121, RSMo, and to enact in lieu thereof seven new sections relating to environmentally sustainable practices.

**SB 431**—By Smith.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to the green building tax credit.

**SB 432**—By Vogel.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to immunizations against meningococcal disease.

**SB 433**—By Bray.

An Act to repeal sections 701.500, 701.503, and 701.506, RSMo, and to enact in lieu thereof three new sections relating to energy efficiency standards for appliances.

**SB 434**—By Green.

An Act to repeal sections 105.487, 105.492, 105.963, 130.021, 130.046, 130.057, and 130.071, RSMo, and to enact in lieu thereof seven new sections relating to ethics, with penalty provisions.

**SB 435**—By Lembke.

An Act to repeal sections 630.110, 632.489, and 632.495, RSMo, and to enact in lieu thereof three new sections relating to sexually violent predators.

**SB 436**—By Ridgeway, Griesheimer and Callahan.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for unemployment benefits.

**SB 437**—By Lager.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to the taxation of certain renewable energy property.

**SB 438**—By Callahan.

An Act to repeal sections 160.534, 163.011, 163.031, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof four new sections relating to state funding for elementary and secondary education.

**MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

February 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark N. Templeton, 39 Jackson Road, Hamden, New Haven County, Connecticut 06517, as Director of the Department of Natural Resources, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointment to the Committee on Gubernatorial Appointments.

**REFERRALS**

President Pro Tem Shields referred **SR 361** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Lager assumed the Chair.

**THIRD READING OF SENATE BILLS**

**SB 154**, introduced by Senator Goodman, entitled:

An Act to repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer companies.

Was called from the Consent Calendar and taken up.

On motion of Senator Goodman, **SB 154** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 147**, introduced by Senator Dempsey, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Missouri healthy workplace recognition program.

Was called from the Consent Calendar and taken up.

On motion of Senator Dempsey, **SB 147** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators

Cunningham Purgason—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 156**, introduced by Senator Goodman, entitled:

An Act to repeal sections 407.1240 and 407.1249, RSMo, and to enact in lieu thereof two new sections relating to travel clubs.

Was called from the Consent Calendar and taken up.

On motion of Senator Goodman, **SB 156** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 171**, introduced by Senator Griesheimer, entitled:

An Act to repeal section 311.360, RSMo, and to enact in lieu thereof two new sections relating to wine manufacturers, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 171** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp

Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **SENATE BILLS FOR PERFECTION**

Senator Rupp moved that **SB 128**, with **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Rupp, **SA 1** was withdrawn rendering **SA 1** to **SA 1** moot.

Senator Rupp offered **SS** for **SCS** for **SB 128**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 128**

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

Senator Rupp moved that **SS** for **SCS** for **SB 128** be adopted.

Senator Rupp offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 128, Page 2, Section 227.107, Line 4 of said page, by striking the opening bracket “[” as it appears the first time on said line; and further amend said line by striking the following: “] 2015”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Bray offered **SA 2**:

#### **SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 128, Page 1, In the Title, Lines 3-5 of said title, by striking all of said lines and inserting in lieu thereof the following: “thereof two new sections relating to the planning and design of transportation projects, with an emergency clause for

a certain section.”; and

Further amend said bill and page, Section A, Line 3 of said page, by inserting after all of said line the following:

**“226.1000. 1. It is the intent of the general assembly to ensure that department of transportation projects adequately meet the state's transportation needs, exist in harmony with their surroundings, and add lasting value to the communities they serve.**

**2. To support this objective, the department of transportation shall embrace principles of context sensitive design and context sensitive solutions in its policies and procedures for the planning, design, construction, and operation of its projects of significant size for new construction, reconstruction, or major expansion of existing transportation facilities.**

**3. A hallmark of context sensitive design and context sensitive solutions principles for the department of transportation shall be early and ongoing collaboration with affected citizens, elected officials, interest groups, and other stakeholders to ensure that the values and needs of the affected communities are identified and carefully considered in the development of transportation projects.**

**4. Context sensitive design and context sensitive solutions principles shall promote the exploration of innovative solutions, commensurate with the scope of each project, that can effectively balance safety, mobility, community, and environmental objectives in a manner that will enhance the relationship of the transportation facility with its setting.**

**5. Context sensitive design and context sensitive solutions principles shall complement, but not supplant, the department of transportation's existing practical design policy.**

**6. The department of transportation shall report to the governor and the general assembly no later than April 1, 2010, on its efforts to develop and implement context sensitive solutions policy and context sensitive design criteria.”; and**

Further amend said bill, Page 8, Section B, Line 20 of said page, by inserting after “section” the following: “227.107 of section”; and further amend line 24 of said page, by inserting after “section” the following: “227.107 of section”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Rupp moved that **SS for SCS for SB 128**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SS for SCS for SB 128**, as amended, was declared perfected and ordered printed.

## RESOLUTIONS

Senator Lembke moved that **SR 207**, with **SCS** (pending), be taken up for adoption, which motion prevailed.

**SCS for SR 207** was again taken up.

Senator Lembke offered **SS for SCS for SR 207**:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE RESOLUTION NO. 207

WHEREAS, the education of its youth is one of the highest priorities of the Missouri State Constitution; and

WHEREAS, the Missouri Senate strongly concurs therein; and

WHEREAS, the St. Louis Public School District has been entrusted with that task; and

WHEREAS, the St. Louis Public School District is a political subdivision of the state of Missouri and it derives the vast majority of its funding and its authority from the state of Missouri; and

WHEREAS, the St. Louis Public School District has closed many school buildings in recent years; and

WHEREAS, these school buildings were constructed over the course of the past century with the use of taxpayer money for the purpose of providing a free public education in accordance with the principles of the Missouri Constitution; and

WHEREAS, many of these school buildings remain suitable facilities for providing an education for Missouri's children; and

WHEREAS, the St. Louis Public School District is attempting to sell many of its now closed school buildings; and

WHEREAS, private, religious, and public charter schools also educate the youth of Missouri within the St. Louis Public School District; and

WHEREAS, reports of discriminatory sales practices by the St. Louis Public School District of surplus school buildings against private, religious, or public charter schools have been reported; and

WHEREAS, these buildings were architecturally designed to be used as school facilities for educating children, and by such a design, cannot easily be used for other purposes; and

WHEREAS, such practices would constitute an inefficient use and a waste of limited resources that could be used in a productive and effective manner to educate children; and

WHEREAS, such practices would constitute a public discredit to institutions of state and local government by needlessly preventing their use and represents a waste of state funds and tax dollars, particularly given the difficult and challenging economic times; and

WHEREAS, such practices would be anathema to sound business practice, the Constitution of Missouri, the interests of taxpayers, the education of youth, and the Missouri Senate:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby ask the members of the Special Administrative Board of the Transitional School District of the City of St. Louis and the superintendent and officers of the St. Louis Public School District, to determine if any such policy of discriminatory sales practice is held or similar practice is tolerated and report their intention to cease such policy and practices immediately and to respond to the members of the Missouri Senate regarding their compliance at the next public meeting of the Special Administrative Board of the Transitional School District of the City of St. Louis; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Special Administrative Board of the Transitional School District of the City of St. Louis, the superintendent and officers of the St. Louis Public School District, and send them via the United States Postal Service, with return receipt service.

Senator Lembke moved that **SS** for **SCS** for **SR 207** be adopted.

At the request of Senator Lembke, the motion for adoption was withdrawn, which placed the resolution back on the Calendar.

**INTRODUCTION OF BILLS**

The following Bill was read the 1st time and ordered printed:

**SB 439**—By Lembke.

An Act to amend chapter 442, RSMo, by adding thereto one new section relating to restrictive covenants.



**COMMUNICATIONS**

President Pro Tem Shields submitted the following:

February 19, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Joint Committee on Gaming and Wagering**

Dear Ms. Spieler,

Pursuant to Section 313.001, RSMo, I am appointing the following Senators to the Joint Committee on Gaming and Wagering:

Senator Victor Callahan  
Senator Timothy Green  
Senator Scott Rupp

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,

February 19, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Children's Trust Fund Board**

Dear Ms. Spieler,

Pursuant to Section 210.170, RSMo, I am appointing Senator Jolie Justus to the Children's Trust Fund Board.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,

February 19, 2009

Honorable Charlie Shields  
President Pro Tem  
Missouri Senate  
State Capitol, Room 326  
Jefferson City, MO 65101

Dear Senator Shields:

I respectfully wish to withdraw my name as a member of the Emergency Response Commission.

Thank you for your kind consideration.

Sincerely,  
/s/ John  
John E. Griesheimer

Also,

February 23, 2009  
Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Children's Services Commission**

Dear Ms. Spieler,

Pursuant to Section 210.101, RSMo, I am appointing Senator Eric Schmitt to the Children's Services Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,  
/s/ Charlie  
Charles W. Shields  
President Pro-Tem

Senator Green submitted the following:

February 23, 2009

Ms. Terry Spieler  
Secretary of Senate  
State Capitol Building  
Room 325  
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that Senate Bill 231 be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45 and that it be returned to the Senate General Laws Committee from which it was reported for action in accordance with the rules of the Senate.

This bill goes far beyond what should be considered a consent bill and therefore should be removed from the consent calendar.

Sincerely,  
/s/ Timothy P. Green  
Timothy P. Green  
State Senator  
District 13

**INTRODUCTIONS OF GUESTS**

Senator Barnitz introduced to the Senate, 2009 Senior Missouri Outdoors Betty Turner, Rolla; 2009 Mrs. Missouri Outdoors Rachel Lucas, Edgar Springs; 2009 Missouri Outdoors Tourism Donna McKeever, Jerome; 2009 Little Princess Missouri Outdoors Aubrey Pedrin, Rolla; 2009 Little Miss Show-Me Missouri Jaci Bailey, Vienna; 2009 Teen Show-Me Missouri Rebecca Fryer, Rolla; 2009 Ms. Show-Me Missouri Tanna Collins, Rolla; and 2009 Senior Show-Me Missouri Elizabeth Grahl, Rolla.

Senator Griesheimer introduced to the Senate, 2009 Miss Missouri Outdoors Stacey Schroeder, Washington; 2009 Little Miss Missouri Outdoors Abbey Hedrick, St. Clair; 2009 Princess Missouri Outdoors Shelby Lewis, Union; 2009 Pre-Teen Show-Me Missouri Alexandria Harman, St. Clair; 2009 Mrs. Show-Me Missouri Angelique Buerk, Sullivan; and 2009 Little Princess Show-Me Missouri Kayleigh Jones, Sullivan.

Senator Shoemyer introduced to the Senate, 2009 Wake Up to Missouri Outdoors Katie Walker, Hannibal.

Senator Shields introduced to the Senate, 2009 Teen Missouri Outdoors Amy Johnson, Kansas City.

Senator Shields introduced to the Senate, Dave Johnson, Kansas City.

Senator Purgason introduced to the Senate, 2009 Pre-Teen Missouri Outdoors Hannah Lucas, Mountain View.

Senator Vogel introduced to the Senate, 2009 Princess Show-Me Missouri Kierstin Boze, Tuscumbia.

Senator Lager introduced to the Senate, 2009 Ms. Missouri Outdoors Jamie Slaten, Clearmont.

Senator Shields introduced to the Senate, Senator Steve Morris, President of the Kansas Senate; and John Coen and Michael White, Topeka, Kansas.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 24, 2009

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 399-Justus  
 SB 400-Dempsey  
 SB 401-Goodman  
 SB 402-Goodman  
 SB 403-Vogel  
 SB 404-Mayer  
 SB 405-Scott  
 SB 406-Scott  
 SB 407-Scott  
 SB 408-Scott  
 SB 409-Stouffer  
 SB 410-Stouffer  
 SB 411-Crowell  
 SB 412-Dempsey

SB 413-Dempsey  
 SB 414-Dempsey  
 SB 415-Dempsey  
 SB 416-Dempsey and Days  
 SB 417-Goodman  
 SB 418-Goodman  
 SB 419-Purgason  
 SB 420-Pearce  
 SB 421-Pearce  
 SB 422-Pearce  
 SB 423-Pearce  
 SB 424-Justus  
 SB 425-Justus  
 SB 426-Griesheimer

SB 427-Griesheimer  
SB 428-Griesheimer  
SB 429-Smith  
SB 430-Smith  
SB 431-Smith  
SB 432-Vogel  
SB 433-Bray

SB 434-Green  
SB 435-Lembke  
SB 436-Ridgeway, et al  
SB 437-Lager  
SB 438-Callahan  
SB 439-Lembke

#### HOUSE BILLS ON SECOND READING

HCS for HB 96

#### THIRD READING OF SENATE BILLS

SCS for SB 140-Smith and Wright-Jones  
(In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

- |   |                                |
|---|--------------------------------|
| 1. SB 215-Shields                           | 6. SB 18-Bray, et al, with SCS |
| 2. SB 72-Stouffer, with SCS                 | 7. SB 255-Pearce               |
| 3. SB 89-Stouffer, with SCS                 | 8. SB 84-Purgason              |
| 4. SB 104-Justus, et al, with SCS           | 9. SB 88-Stouffer, with SCS    |
| 5. SBs 261, 159, 180 & 181-Bartle, with SCS | 10. SB 126-Rupp                |

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB-29-Stouffer	SB 58-Stouffer
SB 37-Goodman, with SCS & SA 1 (pending)	SCS for SB 189-Shields
SBs 45, 212, 136, 278, 279, 285 & 288-Pearce, with SCS (pending)	SBs 223 & 226-Goodman, with SCS (pending)

#### CONSENT CALENDAR

Senate Bills

Reported 2/18

SB 243-Pearce, with SCS

SB 9-Champion, with SCS#2

SB 157-Schmitt, with SCS  
SB 8-Champion, with SCS  
SB 265-Mayer, et al, with SCS  
SB 152-Clemens, with SCS  
SB 55-Days  
SB 79-Wilson

SB 179-Wright-Jones, with SCS  
SB 15-Nodler, with SCS  
SB 217-Goodman  
SB 202-Schaefer, with SCS  
SB 280-Rupp and Cunningham

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 5-Stouffer, with SCA 1  
SCR 7-Pearce  
SR 304-Shields

SR 303-Shields  
SR 302-Shields  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)

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# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 24, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“But shouts of joy and gladness for all who take pleasure in my virtue; give them constant cause to say, ‘Great is Yahweh, who like to see his servant at peace!’ Then my tongue will shout your goodness, and sing your praises all day long.” (Psalm 36:27, 28)

Almighty God, we pray that we may always be about that which You desire, that our lives may reflect Your virtue in the bills we pass and the way we live our lives. May we be so delighted in the use of each day You give us, some for work, some for fun and some for love, that our hearts may shout for the joy we experience in Your presence and the good we are capable of accomplishing. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Lager offered Senate Resolution No. 397, regarding Wanda Riddle, Humphrey, which was adopted.

Senator McKenna offered Senate Resolution No. 398, regarding Mayor William Earl Cook, Sr., Festus, which was adopted.

Senator Crowell offered Senate Resolution No. 399, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Russell Shelton, Cape Girardeau, which was adopted.

Senator Smith offered Senate Resolution No. 400, regarding the Missouri Charter Public Schools Association, which was adopted.

Senator Schaefer offered Senate Resolution No. 401, regarding the Ninetieth Birthday of Pauline Harshbarger, Columbia, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 440**—By Schaefer.

An Act to repeal section 452.412, RSMo, and to enact in lieu thereof one new section relating to temporary domestic relations orders for military families.

**SB 441**—By Schaefer.

An Act to repeal sections 168.104, 168.114, 168.116, 168.118, 168.120, and 168.221, RSMo, and to enact in lieu thereof six new sections relating to public school teachers.

**SB 442**—By Callahan.

An Act to repeal section 311.260, RSMo, and to enact in lieu thereof one new section relating to liquor licenses.

**SB 443**—By Days and Mayer.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to members of a special administrative board.

**SB 444**—By Wilson.

An Act to amend chapter 435, RSMo, by adding thereto five new sections relating to the resolution of disputes through the use of mediation.

**SB 445**—By Rupp.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the use of confinement, restraint, seclusion, and time-out for students receiving special education services.

**SB 446**—By Rupp.

An Act to repeal sections 160.534, 163.011, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof three new sections relating to state funding for elementary and secondary education.

**SB 447**—By Pearce.

An Act to repeal section 94.900, RSMo, and to enact in lieu thereof one new section relating to a sales

tax for public safety improvement.

**SB 448**—By Pearce.

An Act to amend chapter 177, RSMo, by adding thereto six new sections relating to the procurement of construction by the design-build method by school districts.

**SB 449**—By Purgason.

An Act to repeal section 67.1177, RSMo, and to enact in lieu thereof one new section relating to agreements with the department of revenue for collection of certain local tax revenues.

**SB 450**—By Cunningham.

An Act to amend chapter 182, RSMo, by adding thereto one new section relating to public libraries, with penalty provisions.

**SB 451**—By Cunningham.

An Act to repeal section 311.297, RSMo, and to enact in lieu thereof one new section relating to the tasting of liquor.

**SB 452**—By Cunningham.

An Act to repeal section 620.1878, RSMo, and to enact in lieu thereof one new section relating to qualified companies under the Missouri Quality Jobs Act.

**SB 453**—By Mayer.

An Act to repeal sections 160.534, 163.011, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof three new sections relating to education funding.

**SB 454**—By Mayer.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to unemployment insurance during disasters, with an emergency clause.

**SB 455**—By Mayer.

An Act to repeal section 48.020, RSMo, and to enact in lieu thereof one new section relating to county classification.

**SB 456**—By Lager.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to counties contracting for wholesale water services.

**SB 457**—By Lager.

An Act to repeal section 49.310, RSMo, and to enact in lieu thereof one new section relating to establishing jails outside of a county seat.

**SB 458**—By Lager.

An Act to amend chapter 23, RSMo, by adding thereto one new section relating to the employees of the oversight division of the committee on legislative research, with penalty provisions.

**SB 459**—By Lager.

An Act to repeal section 1.205, RSMo, and to enact in lieu thereof one new section relating to unborn



children.

Senator Nodler assumed the Chair.

### SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 215** be taken up for perfection, which motion prevailed.

Senator Callahan offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 215, Page 10, Section 68.210, Line 22, by inserting immediately after “it” the following: **“has been signed by property owners collectively owning more than fifty percent per capita of all owners of real property within the boundaries of the proposed district and”**

Senator Callahan moved that the above amendment be adopted.

Senator Ridgeway offered **SA 1** to **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 215, Page 1, Section 68.210, Line 2, by striking the word “fifty” and inserting in lieu thereof the following: **“sixty”**.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

On motion of Senator Callahan, the above amendment was adopted.

Senator Callahan offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Bill No. 215, Page 22, Section 68.260, Line 19, by inserting immediately after all of said line the following: **“Section 1. Notwithstanding any provision of law to the contrary, the state auditor shall have the power to audit any port authority within the state in the same manner as the auditor may audit any agency of the state.”**; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 3**, which was read:

#### SENATE AMENDMENT NO. 3

Amend Senate Bill No. 215, Page 22, Section 68.260, Line 19, by inserting immediately after all of said line the following: **“Section 1. Any expenditure made by the port authority that is over twenty-five thousand dollars, including professional service contracts, must be competitively bid.”**; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Shields, **SB 215**, as amended, was declared perfected and ordered printed.

At the request of Senator Stouffer, **SB 72**, with **SCS**, was placed on the Informal Calendar.

Senator Stouffer moved that **SB 89**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS for SB 89**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 89

An Act to repeal section 198.525, RSMo, and to enact in lieu thereof one new section relating to inspectors or surveyors of long-term care facilities.

Was taken up.

Senator Stouffer moved that **SCS for SB 89** be adopted.

Senator Rupp assumed the Chair.

Senator Green offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 89, Pages 1-2, Section 198.525, Lines 6-27, by striking all of said lines from the bill; and

Further renumber the remaining subsection accordingly.

Senator Green moved that the above amendment be adopted.

Senator Callahan offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 89, Page 1, Section 198.525, Line 16, by striking “; and” and inserting in lieu thereof the following: “.”;

And further amend same page, same section, lines 17-19, by striking said lines.

And further amend same page, same section, line 20, by striking “paragraphs (b) and (c)” and inserting in lieu thereof the following: “**paragraph (b)**”

Senator Callahan moved that the above substitute amendment be adopted.

At the request of Senator Stouffer, **SB 89**, with **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

Senator Justus moved that **SB 104**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS for SB 104**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 104

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to immunizations against the human papillomavirus.

Was taken up.

Senator Justus moved that **SCS for SB 104** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS for SB 104** was declared perfected and ordered printed.

### INTRODUCTION OF BILLS

The following Joint Resolution was read the 1st time and ordered printed:

**SJR 14**—By Wilson.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to creation of tax free zones.

### REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 140**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 128**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by Senator Dempsey.

### RESOLUTIONS

Senator Shields offered Senate Resolution No. 402, regarding the Fifty-first Wedding Anniversary of Dr. Richard and Barbara Crumley, St. Joseph, which was adopted.

Senator Schaefer offered Senate Resolution No. 403, regarding the Missouri Bike Federation, which was adopted.

Senator Barnitz offered Senate Resolution No. 404, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leon Thompson, Salem, which was adopted.

Senator Crowell offered Senate Resolution No. 405, regarding Major General King Sidwell, which was adopted.

Senator Crowell offered Senate Resolution No. 406, regarding the One Hundred Third Birthday of Edith K. Hastings, Cape Girardeau, which was adopted.

Senator Rupp offered Senate Resolution No. 407, regarding Witte Brothers Exchange, Incorporated, Troy, which was adopted.

Senator Rupp offered Senate Resolution No. 408, regarding Jody Bush, Troy, which was adopted.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 460**—By Nodler.

An Act to repeal section 630.407, RSMo, and to enact in lieu thereof one new section relating to division of developmental disabilities case management services.

**SB 461**—By Callahan.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to unemployment insurance electronic payment cards.

**SB 462**—By Crowell.

An Act to repeal sections 260.500 and 260.546, RSMo, and to enact in lieu thereof two new sections relating to hazardous substance releases.

**SB 463**—By Days, Green, Smith, Bray and Justus.

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to health insurance coverage for eating disorders.

**SB 464**—By Stouffer.

An Act to repeal sections 374.456, 375.020, 382.400, 382.402, 382.405, 382.407, 382.409, 384.025, 384.031, 384.043, 384.051, 384.057, and 384.062, RSMo, and to enact in lieu thereof eleven new sections relating to insurance producers.

**SB 465**—By Pearce.

An Act to repeal sections 23.295, 160.575, 178.761, 178.762, 178.764, 286.005, and 288.040, RSMo, and to enact in lieu thereof seven new sections relating to unemployment.

**SB 466**—By Smith.

An Act to repeal section 130.046, RSMo, and to enact in lieu thereof nine new sections relating to public financing of elections, with penalty provisions.

**SB 467**—By Justus.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to nursing home liability insurance.

**SB 468**—By Justus.

An Act to repeal section 455.038, RSMo, and to enact in lieu thereof one new section relating to service of ex parte orders of protection.

**SB 469**—By Justus.

An Act to repeal sections 443.310, 443.325, and 534.030, RSMo, and to enact in lieu thereof three new sections relating to the rights of tenants in cases of foreclosure.

**SB 470**—By Ridgeway.

An Act to repeal section 143.011, RSMo, and to enact in lieu thereof one new section relating to income

tax rates.

**SB 471**—By Ridgeway.

An Act to amend chapters 302 and 304, RSMo, by adding thereto three new sections relating to the regulation of highways.

**SB 472**—By Ridgeway.

An Act to amend chapters 26 and 67, RSMo, by adding thereto two new sections relating to the disclosure and distribution of public funds.

**SB 473**—By Bray.

An Act to repeal sections 105.510 and 105.520, RSMo, and to enact in lieu thereof two new sections relating to public employee collective bargaining.

**SB 474**—By Wright-Jones.

An Act to amend chapters 392 and 393, RSMo, by adding thereto two new sections relating to public utilities.

**SB 475**—By Wright-Jones.

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to the promotion of the efficient use of health care revenues by requiring health carriers to expend a certain percentage of their total annual revenues on health services, with penalty provisions.

**SB 476**—By Wright-Jones.

An Act to repeal section 494.430, RSMo, and to enact in lieu thereof one new section relating to jury duty.

**SB 477**—By Wright-Jones.

An Act to repeal sections 238.202, 238.208, 238.220, 238.225, and 238.236, RSMo, and to enact in lieu thereof five new sections relating to transportation development districts.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 104** and **SB 215**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 280**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution

do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 8**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 16**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 202**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 8**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

### **REFERRALS**

President Pro Tem Shields referred **SCS** for **SB 104** to the Committee on Governmental Accountability and Fiscal Oversight.

### **RESOLUTIONS**

Senator Shields moved that **SR 302** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SR 302** was adopted.

Senator Shields moved that **SR 303** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SR 303** was adopted.

Senator Shields moved that **SR 304** be taken up for adoption, which motion prevailed.

Senator Shields moved that **SR 304** be adopted.

At the request of Senator Shields, the motion for adoption was withdrawn, which placed the resolution back on the Calendar.

### **THIRD READING OF SENATE BILLS**

**SCS** for **SB 140**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 140**

An Act to repeal section 568.040, RSMo, and to enact in lieu thereof two new sections relating to criminal nonsupport, with penalty provisions.

Was taken up by Senator Smith.

On motion of Senator Smith, **SCS** for **SB 140** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Smith, title to the bill was agreed to.

Senator Smith moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Goodman moved that **SB 37**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

**SCS** for **SB 37**, as amended, was again taken up.

Senator Goodman moved that **SCS** for **SB 37**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 37**, as amended, was declared perfected and ordered printed.

### COMMUNICATIONS

Senator Green submitted the following:

February 24, 2009

Ms. Terry Spieler  
Secretary of Senate  
State Capitol Building  
Room 325  
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that Senate Bill 265 be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule

45 and that it be returned to the Senate Judiciary and Civil and Criminal Jurisprudence Committee from which it was reported for action in accordance with the rules of the Senate.

This bill goes far beyond what should be considered a consent bill and therefore should be removed from the consent calendar.

Sincerely,  
/s/ Timothy P. Green  
Timothy P. Green  
State Senator  
District 13

### **INTRODUCTIONS OF GUESTS**

Senator Engler introduced to the Senate, Debbie Lee, Farmington; and Chelle Morgan, Paragould, Arkansas; Arika Simmons, St. Louis; Brittany Sinclair, Festus; Heather Dixon, Matthew Farr and Alesha Sikes, Bonne Terre; Rose Harrington-Wahlers, Leadwood; and Bobby Ridings, Park Hills, members of Mineral Area College Student Government, Park Hills.

Senator Engler introduced to the Senate, Wesley and Nancy Roberts, Ellington.

Senator Nodler introduced to the Senate, Alyssa Murfield and Paige Cureton, Joplin; and Shannyn Creviston, Neosho, students from Ozark Technical Community College.

Senator Wright-Jones introduced to the Senate, Dr. John H.K. Sweet and Karen Karabell, St. Louis.

Senator Wright-Jones introduced to the Senate, Peg Peterson and twenty-seven student ambassadors from St. Louis Public Schools Community Education.

Senator Rupp introduced to the Senate, Dr. Van Nostren, St Charles.

Senator Schmitt introduced to the Senate, Annie Furey, Webster Groves.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Janet Rader, M.D. and her son Gregory Markman, Clayton.

Senator Schaefer introduced to the Senate, students from the University of Missouri School of Social Work, Columbia.

Senator Bray introduced to the Senate, sixty international students from Southeast Asia.

Senator Wright-Jones introduced to the Senate, Michelle Schiller-Baker and Michelle Rhode, St. Louis.

Senator Pearce introduced to the Senate, Janet White, her parents, Bill and Linda and brothers, David and Michael, Butler.

Senator Mayer introduced to the Senate, parents, Jenny Long, Tracey Martin, Maria Boyd, JoBeth Moses, Paul Shaw, Kevin Faulkner and Amy Sayre; and students, Kelli Coleman, Peyton Faulkner, Kelsey Lockridge, Brashauna Mack, Nave McNatt, Alexis Odell, Ross Northcutt, Trever Winchester, Thomas Young, De'Lana Ashford, Kimberly Burton, Benjamin Counce, Bailey Cummings, Spencer Fite, Caroline Hicks, Gracie Martin, Kayla McDaniel, Taylor Moses, Jackson Reesor, and Cody Taylor from Caruthersville Elementary School; and Benjamin, Taylor, Alexis and Cody were made honorary pages.

Senator Ridgeway introduced to the Senate, Corrina West, Kansas City.

Senator Nodler introduced to the Senate, Yvonne Heath, Bois D'Arc.

Senator Shields introduced to the Senate, Principal Jeneatte Westfall and twelve eleventh and twelfth



grade students from Benton High School, St. Joseph.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 25, 2009

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 399-Justus	SB 429-Smith
SB 400-Dempsey	SB 430-Smith
SB 401-Goodman	SB 431-Smith
SB 402-Goodman	SB 432-Vogel
SB 403-Vogel	SB 433-Bray
SB 404-Mayer	SB 434-Green
SB 405-Scott	SB 435-Lembke
SB 406-Scott	SB 436-Ridgeway, et al
SB 407-Scott	SB 437-Lager
SB 408-Scott	SB 438-Callahan
SB 409-Stouffer	SB 439-Lembke
SB 410-Stouffer	SB 440-Schaefer
SB 411-Crowell	SB 441-Schaefer
SB 412-Dempsey	SB 442-Callahan
SB 413-Dempsey	SB 443-Days and Mayer
SB 414-Dempsey	SB 444-Wilson
SB 415-Dempsey	SB 445-Rupp
SB 416-Dempsey and Days	SB 446-Rupp
SB 417-Goodman	SB 447-Pearce
SB 418-Goodman	SB 448-Pearce
SB 419-Purgason	SB 449-Purgason
SB 420-Pearce	SB 450-Cunningham
SB 421-Pearce	SB 451-Cunningham
SB 422-Pearce	SB 452-Cunningham
SB 423-Pearce	SB 453-Mayer
SB 424-Justus	SB 454-Mayer
SB 425-Justus	SB 455-Mayer
SB 426-Griesheimer	SB 456-Lager
SB 427-Griesheimer	SB 457-Lager
SB 428-Griesheimer	SB 458-Lager

SB 459-Lager  
SB 460-Nodler  
SB 461-Callahan  
SB 462-Crowell  
SB 463-Days, et al  
SB 464-Stouffer  
SB 465-Pearce  
SB 466-Smith  
SB 467-Justus  
SB 468-Justus

SB 469-Justus  
SB 470-Ridgeway  
SB 471-Ridgeway  
SB 472-Ridgeway  
SB 473-Bray  
SB 474-Wright-Jones  
SB 475-Wright-Jones  
SB 476-Wright-Jones  
SB 477-Wright-Jones  
SJR 14-Wilson

#### HOUSE BILLS ON SECOND READING

HCS for HB 96

#### THIRD READING OF SENATE BILLS

SS for SCS for SB 128-Rupp  
SCS for SB 104-Justus, et al,  
(In Fiscal Oversight)

SB 215-Shields

#### SENATE BILLS FOR PERFECTION

SBs 261, 159, 180 & 181-Bartle, with SCS  
SB 18-Bray, et al, with SCS  
SB 255-Pearce

SB 84-Purgason  
SB 88-Stouffer, with SCS  
SB 126-Rupp

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB-29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce, with SCS (pending)  
SB 58-Stouffer  
SB 72-Stouffer, with SCS

SB 89-Stouffer, with SCS, SA 1 & SSA 1  
for SA 1 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman, with SCS (pending)

## CONSENT CALENDAR

## Senate Bills

Reported 2/18

SB 243-Pearce, with SCS  
SB 9-Champion, with SCS#2  
SB 157-Schmitt, with SCS  
SB 152-Clemens, with SCS  
SB 55-Days

SB 79-Wilson  
SB 179-Wright-Jones, with SCS  
SB 15-Nodler, with SCS  
SB 217-Goodman

## RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 5-Stouffer, with SCA 1  
SCR 7-Pearce  
SR 304-Shields  
SR 207-Lembke and Smith, with  
SCS & SS for SCS (pending)

SCR 11-Bartle, et al  
SCR 8-Shoemyer  
SCR 16-Pearce

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# Journal of the Senate

## FIRST REGULAR SESSION

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**TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 25, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Wash me through and through from my wickedness, and cleanse me from my sin.” (Psalm 51:2)

Heavenly Father, today we begin a journey that calls for us to look seriously at our lives and how best to follow Your lead. This journey of six weeks the Christian world calls Lent helps remember the journey of how they became Your people. For us, regardless of what faith we proclaim, we ask that we might learn from this time of self-exploration, especially to recognize our need of You. And so we pray that You walk with us and help us learn of You our God. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Griesheimer assumed the Chair.

### RESOLUTIONS

Senator Goodman offered Senate Resolution No. 409, regarding Shawn Hawkins, Branson, which was adopted.

Senators Justus and Schaefer offered Senate Resolution No. 410, regarding Carol Grove and Cydney Millstein, which was adopted.

Senator Justus offered Senate Resolution No. 411, regarding Shirley Bush Helzberg, Kansas City, which was adopted.

Senators Justus and Wilson offered Senate Resolution No. 412, regarding Eagle Point Enterprises, Kansas City, which was adopted.

Senator Vogel offered the following resolution:

#### SENATE RESOLUTION NO. 413

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 7:00 p.m. on Saturday, September 26, 2009, for the purpose of a citizens assembly and workshops.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 413** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 413** was adopted.

Senator Green offered Senate Resolution No. 414, regarding the Seventieth Birthday of Sharon Gayle Hazelwood Eckard, Falls City, Nebraska, which was adopted.

### INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 478**—By Shoemyer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to contracts between health carriers and health care providers.

**SB 479**—By Shoemyer.

An Act to repeal section 99.1090, RSMo, and to enact in lieu thereof one new section relating to downtown revitalization preservation redevelopment projects.

**SB 480**—By Shoemyer.

An Act to amend chapter 109, RSMo, by adding thereto one new section relating to the Missouri board on geographic names.

**SB 481**—By Ridgeway.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to income taxation.

**SB 482**—By Ridgeway.

An Act to amend chapter 324, RSMo, by adding thereto nine new sections relating to tanning facilities, with a penalty provision.

**SB 483**—By Rupp.

An Act to repeal sections 375.1025, 375.1028, 375.1030, 375.1032, 375.1035, 375.1037, 375.1040, 375.1042, 375.1045, 375.1047, 375.1050, 375.1052, and 375.1057, RSMo, and to enact in lieu thereof seventeen new sections relating to annual financial reporting by certain insurers, with penalty provisions.

**SB 484**—By Rupp.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the distribution of federal highway funds.

**SB 485**—By Pearce.

An Act to repeal section 130.021, RSMo, and to enact in lieu thereof one new section relating to committee statements of organization.

**SB 486**—By Green, Callahan and Justus.

An Act to repeal section 105.510, RSMo, and to enact in lieu thereof one new section relating to the right of public body employees to form and join labor organizations.

**SB 487**—By Stouffer.

An Act to repeal sections 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, and 304.028, RSMo, and to enact in lieu thereof eighteen new sections relating to the brain injury advisory council.

**SB 488**—By Vogel.

An Act to amend chapter 233, RSMo, by adding thereto one new section relating to special road districts.

**SB 489**—By Dempsey.

An Act to repeal section 94.270, RSMo, and to enact in lieu thereof one new section relating to the taxing authority of certain cities.

**SB 490**—By Wilson and Nodler.

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

**SB 491**—By Mayer.

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to lapse of school districts.

**SB 492**—By Mayer.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the GED revolving fund.

**SB 493**—By Mayer.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to A+ schools program.

**SB 494**—By Griesheimer.

An Act to repeal sections 650.396 and 650.399, RSMo, and to enact in lieu thereof two new sections relating to collection of sales tax for interoperable communications.

**SB 495**—By Griesheimer.

An Act to repeal sections 288.036, 288.038, 288.090, 288.120, 288.121, 288.122, and 288.330, RSMo, and to enact in lieu thereof five new sections relating to employment security, with a delayed effective date for certain sections.

**SB 496**—By Cunningham.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to extracurricular competitive activities.

**SB 497**—By Cunningham.

An Act to repeal section 167.131, RSMo, and to enact in lieu thereof one new section relating to school districts that do not maintain an accredited school.

**SB 498**—By Cunningham.

An Act to repeal section 160.522, RSMo, and to enact in lieu thereof one new section relating to school accountability report cards.

**SB 499**—By Cunningham.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to intellectual diversity.

**SB 500**—By Cunningham.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school-sponsored clubs and extracurricular activities.

**SB 501**—By Cunningham.

An Act to repeal sections 137.073, 137.076, 137.115, and 138.380, RSMo, and to enact in lieu thereof five new sections relating to property taxation, with a contingent effective date.

**SB 502**—By Cunningham.

An Act to repeal section 171.171, RSMo, and to enact in lieu thereof one new section relating to school credit.

**SB 503**—By Cunningham.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to school superintendents.

**SB 504**—By Cunningham.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to instructional costs at public institutions of higher education.

**SB 505**—By Cunningham.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to teacher transfers in failing districts.

**SJR 15**—By Cunningham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to legislative response to asserted state court jurisdiction.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 235**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, Senator Engler submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which were referred **SB 165**, **SB 164**, **SB 248** and **SB 168**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 242**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 96**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 297**, begs leave to report that it has considered the same and recommends that the bill do pass



and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Food Protection and Outdoor Resources, to which was referred **SB 293**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Food Protection and Outdoor Resources, to which was referred **SB 153**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 71**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 368**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 114**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 263**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 280**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 277**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 37**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## REFERRALS

President Pro Tem Shields referred **SCS** for **SB 37** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Griesheimer assumed the Chair.

## THIRD READING OF SENATE BILLS

**SS** for **SCS** for **SB 128**, introduced by Senator Rupp, entitled:

### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 128

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

Was taken up.

On motion of Senator Rupp, **SS** for **SCS** for **SB 128** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

#### NAYS—Senators

Bray	Purgason	Ridgeway—3
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Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wright-Jones—30		

#### NAYS—Senators

Bray	Ridgeway—2
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Absent—Senators

Purgason              Wilson—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 215**, introduced by Senator Shields, entitled:

An Act to repeal sections 68.025, 68.035, 68.040, and 68.070, RSMo, and to enact in lieu thereof nineteen new sections relating to port authorities.

Was taken up.

At the request of Senator Shields, **SB 215** was placed on the Informal Calendar.

**SB 243**, with **SCS**, introduced by Senator Pearce, entitled:

An Act to amend chapter 408, RSMo, by adding thereto one new section relating to the sale of deficiency waiver addendums and other similar products associated with certain loan transactions.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 243**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 243

An Act to repeal section 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof four new sections relating to the sale of deficiency waiver addendums and other similar products associated with certain loan transactions.

Was taken up.

Senator Pearce moved that **SCS** for **SB 243** be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 243** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 157**, with **SCS**, introduced by Senator Schmitt, entitled:

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to autism as addressed by the division of developmental disabilities.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 157**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 157

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to autism as addressed by the division of developmental disabilities.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 157** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **SB 157** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Shoemyer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Crowell moved that motion lay on the table, which motion prevailed.

**SB 9**, with **SCS No. 2**, introduced by Senator Champion, entitled:

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

Was called from the Consent Calendar and taken up.

**SCS No. 2** for **SB 9**, entitled:

SENATE COMMITTEE SUBSTITUTE NO. 2 FOR  
SENATE BILL NO. 9

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

Was taken up.

Senator Champion moved that **SCS No. 2** for **SB 9** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS No. 2** for **SB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 152**, with **SCS**, introduced by Senator Clemens, entitled:

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to nurse student loans.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 152**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 152

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to nurse student loans.

Was taken up.

Senator Clemens moved that **SCS** for **SB 152** be adopted, which motion prevailed.

On motion of Senator Clemens, **SCS** for **SB 152** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green              Lembke—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 55**, introduced by Senator Days, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school district records.

Was called from the Consent Calendar and taken up.

On motion of Senator Days, **SB 55** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Lembke              Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 79**, introduced by Senator Wilson, entitled:

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to anti-bullying policies.

Was called from the Consent Calendar and taken up.

On motion of Senator Wilson, **SB 79** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wilson, title to the bill was agreed to.

Senator Wilson moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 179**, with **SCS**, introduced by Senator Wright-Jones, entitled:

An Act to authorize the conveyance of property owned by the state in the city of St. Louis to the state highways and transportation commission.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 179**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 179

An Act to authorize the conveyance of property owned by the state in the city of St. Louis to the state

highways and transportation commission.

Was taken up.

Senator Wright-Jones moved that **SCS** for **SB 179** be adopted, which motion prevailed.

On motion of Senator Wright-Jones, **SCS** for **SB 179** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wright-Jones, title to the bill was agreed to.

Senator Wright-Jones moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

**SB 15**, with **SCS**, introduced by Senator Nodler, entitled:

An Act to authorize the conveyance of property owned by the state in Jasper County to Missouri Southern State University.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 15**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 15

An Act to authorize the conveyance of property owned by the state in Jasper County to Missouri Southern State University.

Was taken up.

Senator Nodler moved that **SCS** for **SB 15** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **SB 15**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager



Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 217**, introduced by Senator Goodman, entitled:

An Act to repeal section 351.225, RSMo, and to enact in lieu thereof one new section relating to corporate shareholders' meetings.

Was called from the Consent Calendar and taken up.

On motion of Senator Goodman, **SB 217** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Smith	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Shoemyer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

Senator Bartle moved that **SB 261, SB 159, SB 180 and SB 181**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 261, 159, 180 and 181**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 261, 159, 180 and 181**

An Act to repeal sections 195.214, 195.217, 195.218, 566.147, 566.149, 566.226, 570.030 and 575.150, RSMo, and to enact in lieu thereof eight new sections relating to crime, with penalty provisions.

Was taken up.

Senator Bartle moved that **SCS** for **SBs 261, 159, 180 and 181** be adopted.

Senator Bartle offered **SS** for **SCS** for **SBs 261, 159, 180 and 181**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 261, 159, 180 and 181**

An Act to repeal sections 195.214, 195.217, 195.218, 556.036, 566.147, 566.149, 566.226, 570.030, 570.040, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, and 577.029, RSMo, section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in lieu thereof twenty-four new sections relating to crime, with penalty provisions and an emergency clause for certain sections.

Senator Bartle moved that **SS** for **SCS** for **SBs 261, 159, 180 and 181** be adopted.

Senator Ridgeway offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 32, Section 577.029, Line 24 of said page, by inserting after all of said line the following:

**“578.255. 1. As used in this section, “alcohol beverage vaporizer” means any device which, by means of heat, a vibrating element, or any other method, is capable of producing a breathable mixture containing one or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.**

**2. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use of any [solvent, particularly toluol] of the following substances:**

**(1) Solvents, particularly toluol; or**

**(2) Ethyl alcohol.**

**3. This section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.**

[2.] **4. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by section 578.250 and this section.**

**5. No person shall possess or use an alcoholic beverage vaporizer.**

**6. Nothing in this section shall be construed to prohibit the legal consumption of intoxicating liquor, as defined by section 311.020, RSMo, or nonintoxicating beer, as defined by section 312.010, RSMo.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 2:**

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 27, Section 577.023, Line 17 of said page, by inserting immediately after “(3)” the following: **““Continuous alcohol monitoring”, automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690, RSMo;**

**(4)”**; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill and section, page 29, line 18 of said page, inserting immediately after “court.” the following: **“In addition to any other terms or conditions of probation or parole, the court shall consider, as a condition of probation or parole for any person who pleads guilty to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of four times per day as scheduled by the court for such duration as determined by the court.”**; and further amend line 20 of said page, by inserting immediately after “imprisonment.” the following: **“However, the court may suspend execution of up to thirty days of this term if, as a condition of such probation or parole, such person abstains from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of six times per day as scheduled by the court, for not less than sixty days nor more than one hundred and twenty days as determined by the court.”**; and further amend line 22 of said page, by inserting immediately after the word “imprisonment” the following: **“; except, the court may, acting under section 559.115, RSMo, grant probation if, as a condition of such probation, such person abstains from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of six times per day as scheduled by the court, for not less than six months nor more that two years as determined by the court”**.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Scott offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 4, Section 195.218, Line 17 of said page, by inserting after all of said line the following:

**“306.109. 1. No person shall possess or use beer bongs or other drinking devices used to consume similar amounts of alcohol on the rivers of this state. As used in this section, the term “beer bong” includes any device that is intended and designed for the rapid consumption or intake of an alcoholic beverage, including but not limited to funnels, tubes, hoses, and modified containers with additional vents.**

**2. No person shall possess or consume any alcoholic substance that is produced in a gelatin form, commonly known as a “jello shot”, on the rivers of this state.**

**3. No person shall possess or use any large volume alcohol containers that hold more than one gallon of an alcoholic beverage on the rivers of this state.**

**4. No person shall distribute bead necklaces commonly associated with Mardi Gras festivities or similar paraphernalia intended to cause behavior associated with, but not limited to, fighting, solicitation of nudity, obscene language or other lewd behavior on the rivers of this state.**

**5. No person shall possess expanded polypropylene coolers on or within fifty feet of any river of this state, except in developed campgrounds, picnic areas, landings, roads and parking lots located within fifty feet of such rivers. This subsection shall not apply to high density bait containers used solely for such purpose.**

**6. Any person who violates the provisions of this section is guilty of a class A misdemeanor.**

**7. The provisions of this section shall not apply to persons on the Mississippi river, Missouri river, or Osage river.”; and**

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Smith offered **SA 1** to **SA 3**, which was read:

**SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3**

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 1, Section 306.109, Lines 10-12, by striking all of said lines from the amendment; and

Further amend said page and section, by striking lines 16-20; and

Further amend the amendment by renumbering the remaining subsections accordingly.

Senator Smith moved that the above amendment be adopted.

At the request of Senator Bartle, **SB 261**, **SB 159**, **SB 180** and **SB 181**, with **SCS**, **SS** for **SCS**, **SA 3** and **SA 1** to **SA 3** (pending), were placed on the Informal Calendar.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

**CONCURRENT RESOLUTIONS**

Senators Bray, Days, Wilson, Smith and Justus offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 22**

WHEREAS, every person in Missouri and in the United States deserves access to affordable, quality health care; and

WHEREAS, there is a growing crisis in health care in the United States of America, manifested in rising health care costs, increased premiums, out-of-pocket spending, decreased international business competitiveness, and massive layoffs; and

WHEREAS, approximately 729,564 Missourians lacked health insurance in 2007; and

WHEREAS, those insured now often experience unacceptable medical debt and sometimes life-threatening delays in obtaining health care; and

WHEREAS, one-half of all personal bankruptcies are due to illnesses or medical bills; and

WHEREAS, the rising cost of insuring state employees and teachers can best be met not by limiting benefits, but by expanding them under a national, publicly-funded health insurance program; and

WHEREAS, the complex bureaucracy arising from our system of fragmented, for-profit, multi-payer system of health care financing consumes approximately 30% of United States health care spending; and

WHEREAS, independent research by Kenneth E. Thorpe, PhD. found in 2003 that if Missouri adopted a single-payer, universal health program with benefits more generous than 75% of all private insurance benefits in the state, Missouri health care spending would decline by a savings of \$1.3 billion in administrative costs alone under a streamlined administrative structure; and

WHEREAS, United States Representative John Conyers has introduced H.R. 676, the United States National Health Insurance Act, in the United States House of Representatives, and this act would provide a universal, comprehensive, single-payer system of high quality national health insurance:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby respectfully urge the United States Congress to enact the United States National Health Insurance Act sponsored by Representative Conyers; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for President Barack Obama and each member of the Missouri congressional delegation.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

**SB 506**—By Callahan.

An Act to amend chapter 320, RSMo, by adding thereto thirteen new sections relating to fire sprinklers, with penalty provisions.

**SB 507**—By Callahan.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to a local sales tax for the promotion of tourism.

**SB 508**—By Bray, Smith and Days.

An Act to repeal sections 184.350 and 184.362, RSMo, and to enact in lieu thereof two new sections relating to metropolitan zoological park and museum districts.

**SB 509**—By Scott.

An Act to repeal section 334.104, RSMo, and to enact in lieu thereof one new section relating to review of advanced practice registered nurses by collaborating physicians.

**SB 510**—By Lager.

An Act to repeal sections 92.110, 92.160, 92.210, and 92.250, RSMo, and to enact in lieu thereof four new sections relating to city earnings taxes.

**SB 511**—By Nodler.

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to a community-based developmental disability provider tax, with an expiration date and an emergency clause.

**SB 512**—By Dempsey.

An Act to repeal sections 70.655, 70.660, 70.695, 70.710, 70.720, and 70.730, RSMo, and to enact in lieu thereof six new sections relating to the Missouri local government employees' retirement system.

**SB 513**—By Dempsey.

An Act to repeal section 429.609, RSMo, and to enact in lieu thereof one new section relating to real estate broker's liens.

**SB 514**—By Dempsey.

An Act to repeal sections 21.445, 21.450, 23.080, 23.140, 23.150, 23.160, 23.170, 23.180, 23.190, 23.200, and 33.810, RSMo, and to enact in lieu thereof twelve new sections relating to the general assembly, with a penalty provision.

**SB 515**—By Cunningham.

An Act to repeal section 160.540, RSMo, and to enact in lieu thereof one new section relating to teacher tenure.

**SB 516**—By Cunningham.

An Act to repeal sections 165.111, 169.010, and 169.020, RSMo, and to enact in lieu thereof four new sections relating to education personnel, with a penalty provision and an emergency clause for a certain section.

**SB 517**—By Lembke.

An Act to repeal sections 192.068 and 374.426, RSMo, and to enact in lieu thereof four new sections relating to health care transparency, with a penalty provision.

**SB 518**—By Lembke.

An Act to amend chapter 86, RSMo, by adding thereto one new section relating to the police retirement system.

**SB 519**—By Shields.

An Act to repeal sections 8.900, 21.475, 21.780, 32.250, 32.260, 44.227, 162.1060, 166.203, 170.250, 192.745, 208.275, 253.375, 260.370, 260.725, 320.094, 622.055, and 622.057, RSMo, and to enact in lieu thereof ten new sections relating to the repeal and reduction of certain committees and commissions, with

an expiration date for certain sections.

**SB 520**—By Wright-Jones.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to physical education classes for students in the primary grades.

**SB 521**—By Wright-Jones.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to physical education classes for students.

**SB 522**—By Stouffer.

An Act to repeal sections 302.545, 302.700, 302.735, 302.755, 302.775, and 311.326, RSMo, and to enact in lieu thereof six new sections relating to the sole purpose of regulating commercial drivers' licenses, with penalty provisions.

**SB 523**—By Bartle.

An Act to repeal sections 115.435, 115.491, and 115.493, RSMo, and to enact in lieu thereof five new sections relating to elections, with penalty provisions and an effective date for a certain section.

**SB 524**—By Griesheimer.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption for printed products.

**SB 525**—By Griesheimer.

An Act to repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to the regulation of certain off-highway vehicles.

**SJR 16**—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 4(d) of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to taxation of income.

**SJR 17**—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, adding thereto one new section relating to prohibited use of public funds as to certain life sciences.

### **SENATE BILLS FOR PERFECTION**

Senator Bray moved that **SB 18**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 18**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 18**

An Act to repeal sections 208.151 and 208.640, RSMo, and to enact in lieu thereof four new sections relating to the Missouri universal health assurance program.

Was taken up.

Senator Bray moved that **SCS** for **SB 18** be adopted.

Senator Bray offered **SS** for **SCS** for **SB 18**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 18

An Act to repeal sections 103.003, 103.005, 103.036, 208.151, and 208.640, RSMo, and to enact in lieu thereof seven new sections relating to the Missouri universal health assurance program.

Senator Bray moved that **SS** for **SCS** for **SB 18** be adopted.

At the request of Senator Bray, **SB 18**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Pearce moved that **SB 255** be taken up for perfection, which motion prevailed.

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 255, Page 1, Section 172.030, Lines 1 to 8, by deleting all of said lines and inserting in lieu thereof the following:

“172.030. **1.** The board of curators of the University of the state of Missouri shall hereafter consist of nine members, who shall be appointed by the governor, by and with the advice and consent of the senate; provided, that not more than one person shall be appointed upon said board from the same congressional district, **except as provided in subsection 2 of this section**, and no person shall be appointed a curator who shall not be a citizen of the United States, and who shall not have been a resident of the state of Missouri two years next prior to his appointment. Not more than five curators shall belong to any one political party.

**2. In the event the state of Missouri loses a congressional district following redistricting based on the 2010 census, the ninth member of the board shall be a student curator who shall have the right to vote on any matter before the board, including the hiring or firing of the president of the University of Missouri system, the chancellors of each of the university campuses, the general counsel of the university, the secretary of the board of curators, and all other general officers of the university. However, the student curator shall be excluded from all other decisions regarding hiring or firing of faculty or staff. The student curator may be from any congressional district, and his or her district may be the same as one member of the board. The first student curator shall be appointed in January 2011 and shall serve a two-year term provided the person maintains the status of a full-time student. The student curator appointed under this subsection shall replace the nonvoting student representative appointed under section 172.035; however, such student curator shall be appointed in the manner prescribed in section 172.035, and he or she shall meet all other requirements of section 172.035.**

172.035. **1.** The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. Such student representative shall not have the right to vote on any matter before the board, **unless the student representative position on the board is converted to a student curator position, as provided under section 172.030.**



2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at the University of Missouri.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until the student representative's successor is appointed and qualified.

5. If the student representative ceases to be a student at the University of Missouri, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless such absence is caused by sickness or some accident preventing such representative's arrival at the time and place appointed for the meeting.

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made under this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a student from the Columbia campus, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus. **If, after August 28, 2009, the university adds another campus or campuses, then such campus or campuses shall be inserted into the aforementioned rotation following the St. Louis campus in the order in which such campus or campuses are admitted into the university.**

8. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

172.040. **Except as provided in subsection 2 of section 172.030 for student curators,** the term of service of the curators shall be six years, the terms of three expiring every two years; the first expiration occurring on the first day of January, 1911, and succeeding expirations of three members every two years thereafter. Said curators, while attending the meetings of the board, shall receive their actual expenses, which shall be paid out of the ordinary revenues of the university.

172.060. **Except as provided in subsection 2 of section 172.030 for student curators,** all appointments to fill vacancies, except such as may be made to fill out unexpired terms, shall be for the term of six years, and until the successors of such appointees shall be appointed and qualified.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Crowell requested a roll call vote be taken on the adoption of **SA 1**. He was joined in his request by Senators Days, Barnitz, Callahan and Smith.

Senator Scott offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 255, Page 2, Section 172.030, Lines 1, 7, 9, 11 and 13, by replacing the word “student” to “parent”; and

Page 2, Lines 12 and 13, by striking the words on said line “provided the person maintains the status of a full-time student”.

Senator Scott moved that the above amendment be adopted.

At the request of Senator Pearce, **SB 255**, with **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

Senator Purgason moved that **SB 84** be taken up for perfection, which motion prevailed.

At the request of Senator Purgason, **SB 84** was placed on the Informal Calendar.

**SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 399**—Jobs, Economic Development and Local Government.

**SB 400**—Financial and Governmental Organizations and Elections.

**SB 401**—General Laws.

**SB 402**—Judiciary and Civil and Criminal Jurisprudence.

**SB 403**—Ways and Means.

**SB 404**—Ways and Means.

**SB 405**—General Laws.

**SB 406**—Financial and Governmental Organizations and Elections.

**SB 407**—Financial and Governmental Organizations and Elections.

**SB 408**—Financial and Governmental Organizations and Elections.

**SB 409**—Agriculture, Food Production and Outdoor Resources.

**SB 410**—Health, Mental Health, Seniors and Families.

**SB 411**—Veterans’ Affairs, Pensions and Urban Affairs.

**SB 412**—Health, Mental Health, Seniors and Families.

**SB 413**—Health, Mental Health, Seniors and Families.

**SB 414**—Health, Mental Health, Seniors and Families.

**SB 415**—Health, Mental Health, Seniors and Families.

**SB 416**—Jobs, Economic Development and Local Government.

**SB 417**—General Laws.

**SB 418**—Health, Mental Health, Seniors and Families.

**SB 419**—Agriculture, Food Production and Outdoor Resources.

**SB 420**—Governmental Accountability and Fiscal Oversight.

**SB 421**—Financial and Governmental Organizations and Elections.

**SB 422**—Education.

**SB 423**—General Laws.

**SB 424**—Jobs, Economic Development and Local Government.

**SB 425**—Health, Mental Health, Seniors and Families.

**SB 426**—Jobs, Economic Development and Local Government.

**SB 427**—Commerce, Consumer Protection, Energy and the Environment.

**SB 428**—Jobs, Economic Development and Local Government.

**SB 429**—Education.

**SB 430**—Agriculture, Food Production and Outdoor Resources.

**SB 431**—Governmental Accountability and Fiscal Oversight.

**SB 432**—Health, Mental Health, Seniors and Families.

**SB 433**—Commerce, Consumer Protection, Energy and the Environment.

**SB 434**—General Laws.

**SB 435**—Financial and Governmental Organizations and Elections.

**SB 436**—Ways and Means.

**SB 437**—Ways and Means.

**SB 438**—Education.

**SB 439**—Education.

#### **SENATE BILLS FOR PERFECTION**

Senator Purgason moved that **SB 84** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Crowell offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 84, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following:

“designation of state highways and bridges.”; and

Further amend said bill, page 1, Section A, line 2 by inserting after all of said line the following:

**“227.297. 1. This section establishes an interstate interchange designation program, to be known as the “Heroes Way Interstate Interchange Designation Program”, to honor the fallen Missouri heroes who have been killed in action while performing active military duty with the armed forces**

in Afghanistan or Iraq on or after September 11, 2001. The signs shall be placed upon the interstate interchanges in accordance with this section, and any applicable federal limitations or conditions on highway signage, including location and spacing.

2. Any person who is related by marriage, adoption, or consanguinity within the second degree to a member of the United States armed forces who was killed in action while performing active military duty with the armed forces in Afghanistan or Iraq on or after September 11, 2001, and who was a resident of this state at the time he or she was killed in action, may apply for an interstate interchange designation under the provisions of this section.

3. Any person described under subsection 2 of this section who desires to have an interstate interchange designated after his or her family member shall petition the department of transportation by submitting the following:

(1) An application in a form prescribed by the director, describing the interstate interchange for which the designation is sought and the proposed name of the interstate interchange. The application shall include the name of at least one current member of the general assembly who will sponsor the interstate interchange designation. The application may contain written testimony for support of the interstate interchange designation;

(2) Proof that the family member killed in action was a member of the United States armed forces and proof that such family member was in fact killed in action while performing active military duty with the United States armed forces in Afghanistan or Iraq on or after September 11, 2001. Acceptable proof shall be a statement from the Missouri veterans commission or the United States Department of Veterans Affairs so certifying such facts;

(3) By signing a form provided by the Missouri transportation department, the applicant shall certify that the applicant is related by marriage, adoption, or consanguinity within the second degree to the member of the United States armed forces who was killed in action; and

(4) A fee to be determined by the commission to cover the costs of constructing and maintaining the proposed interstate interchange signs. The fee shall not exceed the cost of constructing and maintaining each sign.

4. All moneys received by the department of transportation for the construction and maintenance of an interstate interchange signs shall be deposited in the state treasury to the credit of the state road fund.

5. The documents and fees required under this section shall be submitted to the department of transportation.

6. The department of transportation shall submit for approval or disapproval all applications for interstate interchange designations to the joint committee on transportation oversight. The joint committee on transportation oversight may review such applications at any scheduled meeting convened pursuant to section 21.795, RSMo. If satisfied with the application and all its contents, the committee shall approve the application. The committee shall notify the department of transportation upon the approval or denial of an application for an interstate interchange designation.

7. The department of transportation shall give notice of any proposed interstate interchange designation under this section in a manner reasonably calculated to advise the public of such

proposal. Reasonable notice shall include posting the proposal for the designation on the department's official public website and making available copies of the sign designation application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office.

8. If the memorial interstate interchange designation request is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the applicant.

9. Two signs shall be erected for each interstate interchange designation processed under this section.

10. No interstate interchange may be named or designated after more than one member of the United States armed forces killed in action. Such person shall only be eligible for one interstate interchange designation under the provisions of this section.

11. Any highway signs erected for any interstate interchange designation under the provisions of this section shall be erected and maintained for a twenty-year period. After such period, the signs shall be subject to removal by the department of transportation and the interstate interchange may be designated to honor persons other than the current designee. An existing interstate interchange designation processed under the provisions of this section may be retained for additional twenty-year increments if, at least one year before the designation's expiration, an application to the department of transportation is made to retain the designation along with the required documents and all applicable fees required under this section.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Green offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Bill No. 84, Page 1, Section A, Line 2, by inserting after all of said line the following:

“227.295. 1. The department of transportation shall establish and administer a drunk driving risk reduction awareness program. The provisions of this section shall be known as “David's Law”. The signs shall be placed upon the state highways in accordance with this section, placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing.

2. The department shall adopt, by rules and regulations, program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen. The department shall also establish by rule, application procedures and methods for proving eligibility for the program.

3. Any person may apply to the department of transportation to sponsor a drunk driving victim memorial sign in memory of an immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of section 577.010 or 577.012, RSMo, or was committing an intoxication-related traffic offense at the

time of the accident. Upon the request of an immediate family member of the deceased victim involved in a drunk driving accident, the department shall place a sign in accordance with this section. A person who is not a member of the immediate family may also submit a request to have a sign placed under this section if that person also submits the written consent of an immediate family member. The department shall charge the sponsoring party a fee to cover the department's cost in designing, constructing, placing, and maintaining that sign, and the department's costs in administering this section. Signs erected under this section shall remain in place for a period of ten years. After the expiration of the ten-year period, the department shall remove the sign unless the sponsoring party remits to the department of transportation a ten-year renewable fee to cover maintenance costs associated with the sign.

4. The signs shall feature the words “Drunk Driving Victim!”, the initials of the victim, the month and year in which the victim of the drunk driving accident was killed, and the phrase “Who's Next?”. The overall design of the sign, including size, color, and lettering, shall conform to the guidelines and regulations established by the department. The signs shall be placed near the scene of the accident.

5. All roadside memorials or markers commemorating the death of a drunk driving victim not meeting the provisions of this section are prohibited. No person, other than a department of transportation employee or the department's designee, may erect a drunk driving victim memorial sign.

6. As used in this section, the term “immediate family member” shall mean spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

7. The department shall adopt rules and regulations to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Purgason, **SB 84**, as amended, was declared perfected and ordered printed.

## **RESOLUTIONS**

Senator Smith offered Senate Resolution No. 415, regarding Christopher Pulphus, St. Louis, which was adopted.

Senator Smith offered Senate Resolution No. 416, regarding Chanel Hess, St. Louis, which was adopted.

Senator Champion offered Senate Resolution No. 417, regarding Steelman Transport, Incorporated, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 418, regarding Harvey Williams, Rochelle, Texas, which was adopted.

Senator Champion offered Senate Resolution No. 419, regarding Robert Conger, Enosburg Falls, Vermont, which was adopted.

Senator Scott offered Senate Resolution No. 420, regarding Holly Dawes, Stockton, which was adopted.

Senator Scott offered Senate Resolution No. 421, regarding Barry Lee Edwards, Warsaw, which was adopted.

Senator Shields offered Senate Resolution No. 422, regarding Jan Mehl, Saint Joseph, which was adopted.

Senator Goodman offered Senate Resolution No. 423, regarding Howard and Jill Trimble, Shell Knob, which was adopted.

Senator Goodman offered Senate Resolution No. 424, regarding Dave and April Williams, Shell Knob, which was adopted.

Senator Goodman offered Senate Resolution No. 425, regarding Britten Scott House, which was adopted.

## COMMUNICATIONS

President Pro Tem Shields submitted the following:

February 24, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Missouri Women's Council**

Dear Ms. Spieler,

Pursuant to Section 186.007, RSMo, I am appointing Senators Norma Champion and Rita Heard Days to the Missouri Women's Council. If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Senator Callahan submitted the following:

February 25, 2009

Terry Spieler – Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

Dear Ms. Spieler:

Pursuant to the provisions of section 21.820 I hereby appoint the following senators to the joint committee on Governmental Accountability:

Senator Victor Callahan

Senator Rita Days

Senator Tim Green.

Sincerely,  
/s/ Victor E. Callahan  
Victor Callahan

Also,

February 25, 2009

Terry Spieler – Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

Dear Ms. Spieler:

Pursuant to the provisions of section 620.1887 I hereby appoint Senator Ryan McKenna to the Quality Jobs Advisory Task Force.

Sincerely,  
/s/ Victor E. Callahan  
Victor Callahan

### **INTRODUCTIONS OF GUESTS**

Senator Days introduced to the Senate, Breanna Tarkington, Normandy Senior High School.

Senator Stouffer introduced to the Senate, Hilary McCorkendale, Hardin-Central High School.

Senator Goodman introduced to the Senate, Hillary Merick, Zalma High School.

Senator Justus introduced to the Senate, Jesse Brown, Grandview High School.

Senator Crowell introduced to the Senate, Melissa Thomas, Scott City R-1 Junior High School.

Senator Pearce introduced to the Senate, Jaclyn Birchmeier and Lindsey Avitt, Northwest Missouri State University.

Senator Nodler introduced to the Senate, Breann Ferguson, Seneca High School.

Senator Purgason introduced to the Senate, Leslie Caldwell, Thayer High School.

Senator Wilson introduced to the Senate, Mackenzie Neil, Northwest Missouri State University.

Senator Wilson introduced to the Senate, Tenique Hays, Northwest Missouri State University.

Senator Vogel introduced to the Senate, Christa Moore, Eldon High School.

Senator Champion introduced to the Senate, Kelsey Cox, Lamont High School.

Senator Engler introduced to the Senate, Nita Dunn, West County High School.

Senator Shields introduced to the Senate, Megan Ryer and Lisa Hodges, Northwest Missouri State University.

Senator Schaefer introduced to the Senate, Brittney Apel, Westran High School.

Senator Ridgeway introduced to the Senate, Sean Serroque, Kansas City.

Senator Ridgeway introduced to the Senate, Martin Estrada, North Kansas City High School.



Senator Clemens introduced to the Senate, representatives of Missouri Young Cattleman's Association.

Senator Mayer introduced to the Senate, Samantha Stark, Holcomb High School.

Senator Green introduced to the Senate, Dick Kellett and Joe Donahue, St. Louis.

Senator Cunningham introduced to the Senate, Rockwood School District Parents as Teachers, Carroll Cranch and Joy Sobelman, Chesterfield; and Denise Hall, Barbara Rogers and Mary Lynn Schmidt, Ballwin.

Senator Scott introduced to the Senate, Shayna Stuckey, Cole Camp R-1.

Senator Scott introduced to the Senate, Pat O'Neal and eighth grade students from Wheatland R-II.

On behalf of Senator Griesheimer, the President introduced to the Senate, Elizabeth Abraham, Hermann High School.

Senator Clemens introduced to the Senate, members of the Missouri Nurses Association.

Senator Lager introduced to the Senate, Lauren Schoonover, Mound City.

Senator Schaefer introduced to the Senate, Columbia School Teachers, Laura Sandstedt, Maurice Guerin, Mary Skyvalidas, Andy Dager, Cynthia Waltman, Kari Schuster, Nick Kremer, Sarah Sicht, Tessa VonBehren, Rebecca Rembold and Beulahre Robinson.

Senator Stouffer introduced to the Senate, Coaches Pat Richard and Mitch Comstock and members of the Class 1A State Champion Orrick football team.

Senator Mayer introduced to the Senate, Tabitha Allen, Bonnie Hackley, Lisa Bertrand, Cheri Fuemmeler and Lori Scheeter, members of Southeast Leadership Academy.

Senator Ridgeway introduced to the Senate, Scott Nielsen, Kansas City.

Senator Mayer introduced to the Senate, the Physician of the Day, Dr. Gene H. Leroux, M.D., Doniphan.

Senator Smith introduced to the Senate, Maggie Williams, St. Louis.

Senator Shields introduced to the Senate, members of the Greater Missouri Chapter of the March of Dimes from Cape Girardeau, Jefferson City, Kansas City, Springfield, St. Joseph and St. Louis.

Senator Mayer introduced to the Senate, Dexter Parents as Teachers, Melanie Stoelting, Dana Lovins, Jennifer Bess and Debbie Blunt.

Senator Scott introduced to the Senate, Erica Trussell, El Dorado Springs.

Senator Pearce introduced to the Senate, members of the Missouri Circuit Clerks Association.

Senator Green introduced to the Senate, his wife, Lisa and students from the Goldfarb School of Nursing at Barnes-Jewish College, St. Louis.

Senator Vogel introduced to the Senate, Bill Hohulin, Blake Winkelmann and Adam Jones, Missouri University of Science and Technology, Rolla.

On motion of Senator Engler, the Senate adjourned under the rules.

SENATE CALENDAR

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TWENTY-NINTH DAY—THURSDAY, FEBRUARY 26, 2009

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 440-Schaefer	SB 474-Wright-Jones
SB 441-Schaefer	SB 475-Wright-Jones
SB 442-Callahan	SB 476-Wright-Jones
SB 443-Days and Mayer	SB 477-Wright-Jones
SB 444-Wilson	SB 478-Shoemyer
SB 445-Rupp	SB 479-Shoemyer
SB 446-Rupp	SB 480-Shoemyer
SB 447-Pearce	SB 481-Ridgeway
SB 448-Pearce	SB 482-Ridgeway
SB 449-Purgason	SB 483-Rupp
SB 450-Cunningham	SB 484-Rupp
SB 451-Cunningham	SB 485-Pearce
SB 452-Cunningham	SB 486-Green, et al
SB 453-Mayer	SB 487-Stouffer
SB 454-Mayer	SB 488-Vogel
SB 455-Mayer	SB 489-Dempsey
SB 456-Lager	SB 490-Wilson and Nodler
SB 457-Lager	SB 491-Mayer
SB 458-Lager	SB 492-Mayer
SB 459-Lager	SB 493-Mayer
SB 460-Nodler	SB 494-Griesheimer
SB 461-Callahan	SB 495-Griesheimer
SB 462-Crowell	SB 496-Cunningham
SB 463-Days, et al	SB 497-Cunningham
SB 464-Stouffer	SB 498-Cunningham
SB 465-Pearce	SB 499-Cunningham
SB 466-Smith	SB 500-Cunningham
SB 467-Justus	SB 501-Cunningham
SB 468-Justus	SB 502-Cunningham
SB 469-Justus	SB 503-Cunningham
SB 470-Ridgeway	SB 504-Cunningham
SB 471-Ridgeway	SB 505-Cunningham
SB 472-Ridgeway	SB 506-Callahan
SB 473-Bray	SB 507-Callahan

SB 508-Bray, et al  
 SB 509-Scott  
 SB 510-Lager  
 SB 511-Nodler  
 SB 512-Dempsey  
 SB 513-Dempsey  
 SB 514-Dempsey  
 SB 515-Cunningham  
 SB 516-Cunningham  
 SB 517-Lembke  
 SB 518-Lembke

SB 519-Shields  
 SB 520-Wright-Jones  
 SB 521-Wright-Jones  
 SB 522-Stouffer  
 SB 523-Bartle  
 SB 524-Griesheimer  
 SB 525-Griesheimer  
 SJR 14-Wilson  
 SJR 15-Cunningham  
 SJR 16-Lager  
 SJR 17-Lembke

### HOUSE BILLS ON SECOND READING

HCS for HB 96

### THIRD READING OF SENATE BILLS

SCS for SB 104-Justus, et al (In Fiscal Oversight)

SCS for SB 37-Goodman (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 88-Stouffer, with SCS

SB 126-Rupp

### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
 (Griesheimer) (In Fiscal Oversight)

### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SB 215-Shields

### SENATE BILLS FOR PERFECTION

SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB-29-Stouffer

SBs 45, 212, 136, 278, 279, 285 &  
 288-Pearce, with SCS (pending)  
 SB 58-Stouffer

SB 72-Stouffer, with SCS  
SB 89-Stouffer, with SCS, SA 1 & SSA 1  
for SA 1 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman, with SCS (pending)

SB 255-Pearce, with SA 1 & SA 1 to SA 1  
(pending)  
SBs 261, 159, 180 & 181-Bartle and  
Goodman, with SCS, SS for SCS, SA 3  
& SA 1 to SA 3 (pending)

## CONSENT CALENDAR

### Senate Bills

#### Reported 2/25

SB 235-Cunningham  
SBs 165, 164, 248 & 168-Justus, with SCS  
SB 242-Pearce, with SCS  
SB 96-Justus, et al, with SCS  
SB 297-Scott  
SB 293-Barnitz, et al, with SCS  
SB 153-Clemens, with SCS

SB 71-Stouffer, with SCS  
SB 368-Stouffer  
SB 114-Crowell  
SB 263-Mayer  
SB 280-Rupp and Cunningham  
SB 277-Cunningham

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 5-Stouffer, with SCA 1  
SCR 7-Pearce  
SR 304-Shields

SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al  
SCR 8-Shoemyer  
SCR 16-Pearce

### To be Referred

SCR 22-Bray, et al

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# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-NINTH DAY—THURSDAY, FEBRUARY 26, 2009**

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The Senate met pursuant to adjournment.

Senator Dempsey in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have found the paradox that if I love until it hurts, then there is no hurt, but only more love.” (Mother Teresa)

Loving Lord, as we finish our work this day let us be mindful that what You truly require of us is that we have a mindset of being loving towards others and particularly to those You have given us to love. Make us mindful of our driving and considerate of those we share the road. Bring us safely home and abide with each of us this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV and Columbia College were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

## RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 426, regarding Nicholas Robert Ritter, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 427, regarding Dave Reinhart, Smithville, which was adopted.

Senator Mayer offered Senate Resolution No. 428, regarding Keith Mahal, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 429, regarding Frank Rayfield, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 430, regarding Paul D. Helsel, which was adopted.

Senator Mayer offered Senate Resolution No. 431, regarding the One Hundredth Anniversary of Weber's Ben Franklin, Dexter, which was adopted.

## CONCURRENT RESOLUTIONS

Senator Schmitt offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 23

WHEREAS, the sub-prime mortgage lending crisis and the economic downturn has led to a dramatic increase in the rate of foreclosures nationwide and within this state; and

WHEREAS, the increased rate of foreclosures has flooded the market thereby driving down property values throughout this state and the nation; and

WHEREAS, nationwide home values have seen significant decreases in the last year; and

WHEREAS, areas within this state have experienced property value decreases over the past year as well; and

WHEREAS, the laws of the state of Missouri require real and personal tangible property to be assessed at a percentage of their true value; and

WHEREAS, the State Tax Commission and assessors are charged with assessing property values throughout the state for the benefit of the public:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call upon the State Tax Commission and all assessors in this state to accurately reflect present market conditions, assess property located within this state as provided by law and decrease the assessed values of property where appropriate; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the State Tax Commission to provide to each assessor in this state.

## INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 526**—By Clemens.

An Act to repeal sections 267.565 and 267.600, RSMo, and to enact in lieu thereof two new sections relating to diseased animals.

**SB 527**—By Nodler and Bray.

An Act to repeal section 226.220, RSMo, and to enact in lieu thereof two new sections relating to the

receipt, deposit, and allocation of federal highway funds.

**SB 528**—By Nodler.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to economic development incentives for alternative energy vehicle components.

**SB 529**—By Goodman.

An Act to repeal sections 210.125, 568.050, and 568.060, RSMo, and to enact in lieu thereof three new sections relating to substance abuse during pregnancy, with penalty provisions.

**SB 530**—By Goodman.

An Act to repeal sections 210.145, 210.150, and 210.152, RSMo, and to enact in lieu thereof three new sections relating to child abuse investigations, with penalty provisions.

**SB 531**—By Goodman.

An Act to repeal section 332.321, RSMo, and to enact in lieu thereof one new section relating to dental advertising.

**SB 532**—By Bray.

An Act to repeal section 115.249, RSMo, and to enact in lieu thereof one new section relating to electronic voting machines.

**SB 533**—By Rupp.

An Act to amend chapters 41 and 42, RSMo, by adding thereto two new sections relating to exposure to depleted uranium by members of the military.

**SB 534**—By Rupp.

An Act to amend chapter 58, RSMo, by adding thereto one new section relating to testing for psychotropic substances in suicide cases.

**SB 535**—By Days.

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to breaching airport security, with penalty provisions.

**SB 536**—By Wilson.

An Act to amend chapter 453, RSMo, by adding thereto one new section relating to foster care and adoption promotion.

**SB 537**—By Cunningham.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to open enrollment.

**SB 538**—By Champion.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to nursing homes.

**SB 539**—By Schaefer.

An Act to repeal sections 640.107, 640.150, and 644.101, RSMo, and to enact in lieu thereof four new

sections relating to environmental protection.

**SB 540**—By Schaefer.

An Act to authorize the conveyance of certain state property, with an emergency clause.

**SB 541**—By Pearce.

An Act to amend chapter 443, RSMo, by adding thereto five new sections relating to residential mortgage loans.

**SB 542**—By Pearce.

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, and to enact in lieu thereof six new sections relating to the state treasurer, with penalty provisions.

**SB 543**—By Pearce.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for homes built under green build standards.

**SB 544**—By Schmitt.

An Act to repeal section 67.304, RSMo, and to enact in lieu thereof one new section relating to public safety officers soliciting charitable contributions.

**SB 545**—By Schmitt.

An Act to repeal section 393.110, RSMo, and to enact in lieu thereof one new section relating to electrical corporations that operate on the not-for-profit cooperative business plan.

**SB 546**—By Schmitt, Lembke and Cunningham.

An Act to repeal section 208.146, RSMo, and to enact in lieu thereof one new section relating to the ticket-to-work health assurance program.

**SB 547**—By Schmitt.

An Act to repeal sections 376.428 and 376.453, RSMo, and to enact in lieu thereof six new sections relating to health insurance.

**SB 548**—By Schmitt.

An Act to amend chapter 191, RSMo, by adding thereto five new sections relating to health record banks.

**SB 549**—By Schmitt.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet data transparency.

**SB 550**—By Crowell.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to state retirement systems.

**SB 551**—By Crowell.

An Act to repeal sections 217.362, 558.019, and 559.115, RSMo, and to enact in lieu thereof three new



sections relating to drug offenses, with penalty provisions.

**SB 552**—By Crowell.

An Act to repeal sections 208.215 and 287.266, RSMo, and to enact in lieu thereof two new sections relating to the MO HealthNet division's authority to collect from third-party payers and workers' compensation beneficiaries.

**SB 553**—By Crowell.

An Act to repeal sections 103.003 and 103.079, RSMo, and to enact in lieu thereof five new sections relating to the reorganization of the state health care system, with an emergency clause.

**SB 554**—By Crowell.

An Act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to assistant adjutants general.

**SB 555**—By Lager.

An Act to amend chapter 392, RSMo, by adding thereto two new sections relating to exchange access rates.

**SB 556**—By Mayer.

An Act to repeal section 256.400, RSMo, and to enact in lieu thereof two new sections relating to major water users.

**SB 557**—By Mayer.

An Act to repeal section 48.050, RSMo, and to enact in lieu thereof one new section relating to county officers.

**SB 558**—By Mayer, Days, Wilson, Clemens and Champion.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof two new sections relating to the Missouri promise program.

**SB 559**—By Schaefer.

An Act to repeal section 536.025, RSMo, and to enact in lieu thereof one new section relating to emergency administrative rules.

**SB 560**—By Green.

An Act to repeal section 621.015, RSMo, and to enact in lieu thereof one new section relating to commissioners of the administrative hearing commission.

**SB 561**—By Green.

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to license fee revenue.

**SB 562**—By Smith.

An Act to repeal sections 452.340 and 454.557, RSMo, and to enact in lieu thereof two new sections relating to electronic storage of support obligations.

**SB 563**—By Smith.

An Act to repeal sections 86.200, 86.237, 86.257, 86.260, 86.263, and 86.270, RSMo, and to enact in lieu thereof six new sections relating to police retirement.

**SB 564**—By Smith.

An Act to repeal section 160.405, RSMo, and to enact in lieu thereof one new section relating to charter schools.

**SB 565**—By Wright-Jones.

An Act to repeal sections 86.200 and 86.207, RSMo, and to enact in lieu thereof two new sections relating to police retirement systems.

**SB 566**—By Wright-Jones.

An Act to repeal section 84.175, RSMo, and to enact in lieu thereof one new section relating to a police reserve force.

**SB 567**—By Wright-Jones.

An Act to repeal section 84.150, RSMo, and to enact in lieu thereof one new section relating to the composition of police forces.

**SB 568**—By Rupp.

An Act to amend chapters 33 and 537, RSMo, by adding thereto four new sections relating to recovery and oversight of waste of public funds.

**SB 569**—By Lembke.

An Act to repeal sections 116.010, 116.020, 116.050, 116.060, 116.080, 116.090, 116.100, 116.120, 116.130, 116.175, 116.180, 116.190, 116.320, and 116.332, RSMo, and to enact in lieu thereof fourteen new sections relating to initiative and referendum petitions, with penalty provisions.

**SB 570**—By Lembke.

An Act to repeal section 208.930, RSMo, and to enact in lieu thereof one new section relating to consumer-directed personal care assistance services.

**SB 571**—By Lembke.

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to prohibiting insurers from engaging in certain acts with respect to motor vehicle collision claims.

**SB 572**—By Dempsey.

An Act to amend chapter 174, RSMo, by adding thereto twenty new sections relating to science and innovation reinvestment.

**SJR 18**—By Cunningham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 3 and 4(b) of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the assessment of real property.

## **CONCURRENT RESOLUTIONS**

Senator Lager offered the following concurrent resolution:

### **SENATE CONCURRENT RESOLUTION NO. 24**

WHEREAS, the right to a private secret ballot when voting on external representation is fundamentally inherent in our representative republic and shall not be infringed upon; and

WHEREAS, passing the Employee Free Choice Act (EFCA, H.R. 800/S. 1041) will replace a federally supervised private ballot election with a system that facilitates coercion and intimidation, known as “card check”, whereby employees publicly sign cards to vote for unionization; and

WHEREAS, 79 percent of the American people support a worker's right to a federally supervised secret ballot election when deciding whether or not to join a union; and

WHEREAS, the tri-partisan agreement to oppose the EFCA is overwhelming, as 77 percent of Republicans, 82 percent of Democrats, and 79 percent of Independents believe in protecting private ballots; and

WHEREAS, in July 2002, before a U.S. House subcommittee, a union employee testified that those who would not vote for a union in a public “card check” program were threatened with termination, deportation, and loss of 401(k) and health benefits; and

WHEREAS, even the chairman of the U.S. House Education and Labor Committee, Rep. Miller (D-California), and staunch supporter of the American “card check” bill, sent a letter to Mexican government officials which stated, “... we feel that the private ballot is absolutely necessary in order to ensure workers are not intimidated into voting for a union they may otherwise not choose.”; and

WHEREAS, the EFCA's mandatory binding arbitration provisions deny workers the right to participate in the collective bargaining process between employees and the union:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, find that so-called “card check” legislation such as the “Employee Free Choice Act” is detrimental to the rights of workers and an offense against democratic principles, and urges all members of the congressional delegation to support worker freedom by opposing the EFCA and any of its components in 2009 and in future years; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for each member of Missouri's congressional delegation.

## **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Michelle L. Hoffmeister and Sharon M. Williams, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Terry M. Jarrett, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Richard H. Kellett, as a member of the Saint Louis County Board of Election Commissioners;

Also,

Orvin T. Kimbrough, as a member of the Missouri State University Board of Governors;

Also,

Jimmie Lee Wells, as a member of the Board of Probation and Parole;

Also,

Peggy Gettemeier, as a member of the Missouri Board of Occupational Therapy.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 174**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 7**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 38**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 44**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 176**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which were referred **SB 237** and **SB 137**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Engler submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 265**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 93**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 57**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 231**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 202**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 84**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Dempsey assumed the Chair.

### **SENATE BILLS FOR PERFECTION**

Senator Stouffer moved that **SB 88**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 88**, entitled:

### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 88**

An Act to repeal section 304.155, RSMo, and to enact in lieu thereof one new section relating to state

highway system incident management.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 88** be adopted.

Senator McKenna offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 88, Page 6, Section 304.155, Line 196, by inserting immediately after said line the following:

**“304.820. 1. Except as provided in subsection 2 of this section, no person operating a moving motor vehicle upon the highways of this state shall, by means of an electronic wireless communications device, send, read, or write a text message or electronic message.**

**2. The provisions of subsection 1 of this section shall not apply to a person operating:**

**(1) An authorized emergency vehicle; or**

**(2) A moving motor vehicle while using an electronic wireless communications device to:**

**(a) Report illegal activity;**

**(b) Summon medical or other emergency help;**

**(c) Prevent injury to a person or property; or**

**(d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.**

**3. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of an electronic wireless communications device, while operating a motor vehicle upon the highways of this state.**

**4. As used in this section, “electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between electronic wireless communication devices. “Electronic message” includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an Internet site.**

**5. As used in this section, “electronic wireless communications device” includes any cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not include any built-in navigational or emergency road service assistance system.**

**6. As used in this section, “making or taking part in a telephone call” means listening to or engaging in verbal communication through an electronic wireless communication device.**

**7. As used in this section, “send, read, or write a text message or electronic message” means using an electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into an electronic wireless communications device for the purpose of making a telephone call.**

**8. A violation of this section shall be deemed a class C misdemeanor and shall be deemed a moving**

**violation for purposes of point assessment under section 302.302, RSMo.**

**9. The state preempts the field of regulating the use of electronic wireless communications devices in motor vehicles, and the provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of electronic wireless communication devices by the operator of a motor vehicle.”; and**

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 1** is not germane to the subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Stouffer moved that **SCS** for **SB 88** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 88** was declared perfected and ordered printed.

Senator Rupp moved that **SB 126** be taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 126** was declared perfected and ordered printed.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 573**—By Crowell.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for certain retirement benefits.

**SB 574**—By Rupp.

An Act to repeal section 48.030, RSMo, and to enact in lieu thereof one new section relating to counties changing classification.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

February 25, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lowell C. Kruse, Democrat, 7300 SE 75<sup>th</sup> Road, Saint Joseph, Buchanan County, Missouri 64507, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2015, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102

February 25, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Troy L. Nash, Democrat, 600 East Admiral #1808, Kansas City, Jackson County, Missouri 64106, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2013, and until his successor is duly appointed and qualified; Allen Shirley, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 744**, entitled:

An Act to amend chapter 30, RSMo, by adding thereto three new sections relating to the receipt of federal economic stimulus funds, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 287**, entitled:

An Act to repeal section 137.016, RSMo, and to enact in lieu thereof one new section relating to classification of certain real property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 575**—By Smith.

An Act to repeal section 137.545, RSMo, and to enact in lieu thereof one new section relating to personal property lists, with penalty provisions.

**SB 576**—By Dempsey.

An Act to repeal section 167.275, RSMo, and to enact in lieu thereof one new section relating to



education records and reports.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 86**, entitled:

An Act to repeal section 147.010, RSMo, and to enact in lieu thereof one new section relating to corporate franchise tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 440**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 441**—Education.

**SB 442**—Commerce, Consumer Protection, Energy and the Environment.

**SB 443**—Education.

**SB 444**—General Laws.

**SB 445**—Education.

**SB 446**—Education.

**SB 447**—Jobs, Economic Development and Local Government.

**SB 448**—Education.

**SB 449**—Ways and Means.

**SB 450**—General Laws.

**SB 451**—Agriculture, Food Production and Outdoor Resources.

**SB 452**—Financial and Governmental Organizations and Elections.

**SB 453**—Education.

**SB 454**—Small Business, Insurance and Industry.

**SB 455**—Jobs, Economic Development and Local Government.

**SB 456**—Jobs, Economic Development and Local Government.

**SB 457**—Jobs, Economic Development and Local Government.

**SB 458**—General Laws.

**SB 459**—Judiciary and Civil and Criminal Jurisprudence.

**SB 460**—Financial and Governmental Organizations and Elections.

**SB 461**—Financial and Governmental Organizations and Elections.

**SB 462**—Agriculture, Food Production and Outdoor Resources.

**SB 463**—Small Business, Insurance and Industry.

**SB 464**—Small Business, Insurance and Industry.

**SB 465**—Small Business, Insurance and Industry.

**SB 466**—General Laws.

**SB 467**—Health, Mental Health, Seniors and Families.

**SB 468**—Judiciary and Civil and Criminal Jurisprudence.

**SB 469**—General Laws.

**SB 470**—Ways and Means.

**SB 471**—Transportation.

**SB 472**—Governmental Accountability and Fiscal Oversight.

**SB 473**—General Laws.

**SB 474**—Commerce, Consumer Protection, Energy and the Environment.

**SB 475**—Progress and Development.

**SB 476**—General Laws.

**SB 477**—Transportation.

## **RESOLUTIONS**

Senator Shields moved that **SR 304** be taken up for adoption, which motion prevailed.

Senator Ridgeway offered **SS** for **SR 304**:

### SENATE SUBSTITUTE FOR SENATE RESOLUTION NO. 304

WHEREAS, Missouri currently ranks 30th in the nation in number of 25-34 year olds with a degree past high school; and

WHEREAS, a key component to creating a better Missouri is striving to have an educated and academically skilled citizenry in our state for the future; and

WHEREAS, there is an indisputable correlation between the economic prosperity of a state and the quality and level of education and skill of its citizenry; and

WHEREAS, the United States, for years, led the world as the most successful and prosperous nation because our citizens have typically had the highest quality and level of education, yet our nation now ranks 10th among industrialized nations in the percentage of young adults with college degrees; and

WHEREAS, our current ranking of 30th in the nation in number of 25-34 year olds with a degree past high school places Missouri behind our neighboring states of Kansas, Nebraska, Iowa, and Illinois; and

WHEREAS, as part of our long-term strategy and plan for creating an educated citizenry, we must improve academic achievement and move more of our young people into an education experience past high school if we are going to compete with our neighboring states and the rest of the world; and

WHEREAS, the strategy cannot simply focus on higher education, but must take place along the entire spectrum of education;

WHEREAS, the members of the Missouri Senate are a dedicated group of individuals who should lead in developing this long-term

strategy and plan:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby create the Missouri Senate Educated Citizenry 2020 Committee; and

BE IT FURTHER RESOLVED that the Committee shall be responsible for developing long-term plans and strategies for:

a. An education system where every child enters school ready to learn by ensuring access to quality education and support for stay-at-home parents; and

b. An elementary, secondary and higher education system that educates students who are capable of attending and being productive and successful citizens and designed to successfully prepare graduates for global competition; and

c. Any other aspects of education policy that the Committee deems appropriate for creating an educated citizenry in our state; and

BE IT FURTHER RESOLVED that the Committee shall elect a chairperson and a vice chairperson for the Committee who shall serve during the pendency of the Committee; and

BE IT FURTHER RESOLVED that the authority of the Committee shall terminate on December 31, 2010; and

BE IT FURTHER RESOLVED that the Committee shall be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee.

Senator Ridgeway moved that **SS** for **SR 304** be adopted, which motion prevailed.

On motion of Senator Shields, **SR 304**, as amended by the **SS**, was adopted.

Senator Wright-Jones offered Senate Resolution No. 432, regarding the death of Ruth Bonita Westbrook “Ruthie” Burns, which was adopted.

## **REFERRALS**

President Pro Tem Shields referred **SCR 22** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

February 25, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Missouri Tourism Commission**

Dear Ms. Spieler,

Pursuant to Section 620.455, RSMo, I am appointing Senator Jack Goodman to the Missouri Tourism Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,

February 25, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Missouri Senate Healthy Missourians 2020 Committee**

Dear Ms. Spieler,

Pursuant to SR303, I am appointing the following Senators to the Missouri Senate Healthy Missourians 2020 Committee:

Senator Frank Barnitz  
Senator Tom Dempsey  
Senator Jolie Justus  
Senator Brad Lager  
Senator Eric Schmitt

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,

February 25, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Missouri Senate Educated Citizenry 2020 Committee**

Dear Ms. Spieler,

Pursuant to SS SR304, I am appointing the following Senators to the Missouri Senate Educated Citizenry 2020 Committee:

Senator Jane Cunningham  
Senator David Pearce  
Senator Kurt Schaefer  
Senator Wes Shoemyer  
Senator Jeff Smith  
Senator Robin Wright-Jones

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,

February 25, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Missouri Senate Job Creation 2020 Committee**

Dear Ms. Spieler,

Pursuant to SR302, I am appointing the following Senators to the Missouri Senate Job Creation 2020 Committee:

Senator Tom Dempsey  
Senator Brad Lager  
Senator Jim Lembke  
Senator Ryan McKenna  
Senator Scott Rupp  
Senator Eric Schmitt  
Senator Robin Wright-Jones

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

**INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. John Zygiel, M.D., Columbia.

Senator Stouffer introduced to the Senate, Matthew Thompson, Boonville High School.

Senator Nodler introduced to the Senate, Jim Murray and his wife, Jane; their daughter, Jodie Burns, her husband, Paul and their children, Wyatt, Jack and Oliver; and Rita Murray, Diamond.

Senator Shoemyer introduced to the Senate, Susan Winkee, Courtney Smith and thirteen eighth grade students from Holy Rosary School, Monroe City.

Senator Engler introduced to the Senate, Pastor Jim Stewart and his wife, Melody, Ellington.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, March 2, 2009.

**SENATE CALENDAR**

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**THIRTIETH DAY—MONDAY, MARCH 2, 2009**

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**FORMAL CALENDAR**

**SECOND READING OF SENATE BILLS**

SB 478-Shoemyer  
SB 479-Shoemyer

SB 480-Shoemyer  
SB 481-Ridgeway

SB 482-Ridgeway	SB 527-Nodler and Bray
SB 483-Rupp	SB 528-Nodler
SB 484-Rupp	SB 529-Goodman
SB 485-Pearce	SB 530-Goodman
SB 486-Green, et al	SB 531-Goodman
SB 487-Stouffer	SB 532-Bray
SB 488-Vogel	SB 533-Rupp
SB 489-Dempsey	SB 534-Rupp
SB 490-Wilson and Nodler	SB 535-Days
SB 491-Mayer	SB 536-Wilson
SB 492-Mayer	SB 537-Cunningham
SB 493-Mayer	SB 538-Champion
SB 494-Griesheimer	SB 539-Schaefer
SB 495-Griesheimer	SB 540-Schaefer
SB 496-Cunningham	SB 541-Pearce
SB 497-Cunningham	SB 542-Pearce
SB 498-Cunningham	SB-543-Pearce
SB 499-Cunningham	SB 544-Schmitt
SB 500-Cunningham	SB 545-Schmitt
SB 501-Cunningham	SB 546-Schmitt, et al
SB 502-Cunningham	SB 547-Schmitt
SB 503-Cunningham	SB 548-Schmitt
SB 504-Cunningham	SB 549-Schmitt
SB 505-Cunningham	SB 550-Crowell
SB 506-Callahan	SB 551-Crowell and Schaefer
SB 507-Callahan	SB 552-Crowell
SB 508-Bray, et al	SB 553-Crowell
SB 509-Scott	SB 554-Crowell
SB 510-Lager	SB 555-Lager
SB 511-Nodler	SB 556-Mayer
SB 512-Dempsey	SB 557-Mayer
SB 513-Dempsey	SB 558-Mayer, et al
SB 514-Dempsey	SB 559-Schaefer
SB 515-Cunningham	SB 560-Green
SB 516-Cunningham	SB 561-Green
SB 517-Lembke	SB 562-Smith
SB 518-Lembke	SB 563-Smith
SB 519-Shields	SB 564-Smith
SB 520-Wright-Jones	SB 565-Wright-Jones
SB 521-Wright-Jones	SB 566-Wright-Jones
SB 522-Stouffer	SB 567-Wright-Jones
SB 523-Bartle	SB 568-Rupp
SB 524-Griesheimer	SB 569-Lembke
SB 525-Griesheimer	SB 570-Lembke
SB 526-Clemens	SB 571-Lembke

SB 572-Dempsey  
SB 573-Crowell  
SB 574-Rupp  
SB 575-Smith  
SB 576-Dempsey

SJR 14-Wilson  
SJR 15-Cunningham  
SJR 16-Lager  
SJR 17-Lembke  
SJR 18-Cunningham

#### HOUSE BILLS ON SECOND READING

HCS for HB 96  
HB 744-Icet

HB 287-Day, et al  
HB 86-Sutherland

#### THIRD READING OF SENATE BILLS

SCS for SB 104-Justus, et al  
(In Fiscal Oversight)  
SCS for SB 37-Goodman  
(In Fiscal Oversight)

SB 84-Purgason

#### SENATE BILLS FOR PERFECTION

1. SB 174-Griesheimer and Goodman,  
with SCS
2. SB 7-Griesheimer
3. SB 5-Griesheimer, with SCS
4. SB 38-Rupp
5. SB 44-Pearce, with SCS
6. SB 176-Stouffer, with SCS

7. SBs 237 & 137-Lembke, with SCS
8. SB 8-Champion, with SCS
9. SB 265-Mayer, et al, with SCS
10. SB 93-Green, with SCS
11. SB 57-Stouffer, with SCS
12. SB 231-Cunningham, with SCS
13. SB 202-Schaefer, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

#### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SB 215-Shields

## SENATE BILLS FOR PERFECTION

SB 18-Bray, et al, with SCS & SS for SCS  
(pending)

SB-29-Stouffer

SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce, with SCS (pending)

SB 58-Stouffer

SB 72-Stouffer, with SCS

SB 89-Stouffer, with SCS, SA 1 &  
SSA 1 for SA 1 (pending)

SCS for SB 189-Shields

SBs 223 & 226-Goodman, with SCS (pending)

SB 255-Pearce, with SA 1 & SA 1 to SA 1  
(pending)

SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS, SS for SCS, SA 3 & SA 1 to SA 3  
(pending)

## CONSENT CALENDAR

Senate Bills

Reported 2/25

SB 235-Cunningham

SBs 165, 164, 248 & 168-Justus, with SCS

SB 242-Pearce, with SCS

SB 96-Justus, et al, with SCS

SB 297-Scott

SB 293-Barnitz, et al, with SCS

SB 153-Clemens, with SCS

SB 71-Stouffer, with SCS

SB 368-Stouffer

SB 114-Crowell

SB 263-Mayer

SB 280-Rupp and Cunningham

SB 277-Cunningham

## RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order (pending)

SCR 5-Stouffer, with SCA 1

SCR 7-Pearce

SR 207-Lembke and Smith, with SCS  
& SS for SCS (pending)

SCR 11-Bartle, et al

SCR 8-Shoemyer

SCR 16-Pearce

To be Referred

SCR 23-Schmitt

SCR 24-Lager



# Journal of the Senate

FIRST REGULAR SESSION

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**THIRTIETH DAY—MONDAY, MARCH 2, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The pursuit of truth and beauty is a sphere of activity in which we are permitted to remain children all our lives.” (Albert Einstein)

Gracious God, we give You thanks and praise for bringing us safely here to work on the many challenges that face us this year. Help us as we seek new ways to understand and come to terms with what we must do. Give us the eyes of a child to see all things new and be creative and empathic as we find resolution to these difficulties. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 26, 2009 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Dempsey—1

Vacancies—None

The Lieutenant Governor was present.

### RESOLUTIONS

Senator Vogel offered Senate Resolution No. 433, regarding Matthew Powell LaPointe, which was adopted.

Senator Vogel offered Senate Resolution No. 434, regarding Glenn H. Pound, Eugene, which was adopted.

Senator Rupp offered Senate Resolution No. 435, regarding Nick Brimager, Moscow Mills, which was adopted.

Senator Rupp offered Senate Resolution No. 436, regarding Tina Donahey, Moscow Mills, which was adopted.

Senator Shoemyer offered Senate Resolution No. 437, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Bill M. Murphy, Williamstown, which was adopted.

Senator Shoemyer offered Senate Resolution No. 438, regarding the One Hundredth Birthday of Merna I. Jerome, Kirksville, which was adopted.

Senator Shoemyer offered Senate Resolution No. 439, regarding Patricia Niekamp, Mexico, which was adopted.

Senator Shoemyer offered Senate Resolution No. 440, regarding AVENUES, Hannibal, which was adopted.

Senator Cunningham offered Senate Resolution No. 441, regarding Flexway Trucking, Incorporated, Hazelwood, which was adopted.

Senator Crowell offered Senate Resolution No. 442, regarding Lucas Presson, Cape Girardeau, which was adopted.

Senator Schaefer offered Senate Resolution No. 443, regarding the 2008 University of Missouri Football Tigers, which was adopted.

Senator Crowell offered Senate Resolution No. 444, regarding Southeast Missouri Hospital, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 445, regarding Holly Lintner, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 446, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Parkinson, Cape Girardeau, which was adopted.

Senator Griesheimer offered Senate Resolution No. 447, regarding Michael Voss, Washington, which was adopted.

### THIRD READING OF SENATE BILLS

Senator Shields moved that **SB 215** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Mayer assumed the Chair.

On motion of Senator Shields, **SB 215**, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

## NAYS—Senators

Green	Purgason	Ridgeway—3
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Absent—Senators—None

Absent with leave—Senator Dempsey—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

## GOVERNOR OF MISSOURI

Jefferson City

65102

February 25, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bettye Battle-Turner, Democrat, 4958 Wabada Avenue, Saint Louis City, Missouri 63113, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2013, and until her successor is duly appointed and qualified; vice, Christopher Goodson, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

Jefferson City

65102

February 27, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard L. Blakley, #3 Maple Street, Viburnum, Iron County, Missouri 65566, as a member of the Missouri Quality Home Care Council,

for a term ending March 1, 2011, and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

February 27, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Debra E. Catlett, 3905 Market Street, Hannibal, Ralls County, Missouri 63401, as a member of the Missouri Quality Home Care Council, for a term ending March 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

February 27, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Martin Powers, 705 Allen Road, Campbell, Dunklin County, Missouri 63933, as a member of the Missouri Quality Home Care Council, for a term ending March 1, 2010, and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 242**, entitled:

An Act to repeal sections 160.011, 160.041, 171.031, and 171.033, RSMo, and to enact in lieu thereof five new sections relating to four-day school weeks.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 65**, entitled:

An Act to repeal section 135.903, RSMo, and to enact in lieu thereof one new section relating to rural empowerment zone criteria.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REFERRALS**

President Pro Tem Shields referred **SCR 23** and **SCR 24** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 88** and **SB 126**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

Senator Pearce moved that **SB 255**, with **SA 1** and **SA 1 to SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1 to SA 1** was again taken up.

At the request of Senator Scott the above amendment was withdrawn.

**SA 1** was again taken up.

At the request of Senator Smith, the above amendment was withdrawn.

Senator Smith offered **SA 2**:

### **SENATE AMENDMENT NO. 2**

Amend Senate Bill No. 255, Page 1, Section 172.030, Line 1, by inserting immediately after "172.030." the following: "**1.**"; and further amend line 3 by striking the opening bracket "[" and further amend line 4 by striking the following: "]" at least one but no more than two persons"; and further amend line 5 by striking all of said line and inserting in lieu thereof the following: "upon said board from the same congressional district, **except as provided in subsection 2 of this section**, and no person shall"; and further amend line 8 by inserting after all of said line the following:

**"2. In the event the state of Missouri loses a congressional district following redistricting based on the 2010 census, the ninth member of the board shall be a student curator who shall have the right to vote on any matter before the board, including the hiring or firing of the president of the University of Missouri system, the chancellors of each of the university campuses, the general counsel of the university, the secretary of the board of curators, and all other general officers of the university. The student shall be enrolled full time in a program of study leading to a post-baccalaureate degree. However, the student curator shall be excluded from all other decisions regarding hiring or firing of faculty or staff. The student curator may be from any congressional district, and his or her district**

**may be the same as one member of the board. The first student curator shall be appointed in January 2011 and shall serve a two-year term provided the person maintains the status of a full-time student. The student curator appointed under this subsection shall replace the nonvoting student representative appointed under section 172.035; however, such student curator shall be appointed in the manner prescribed in section 172.035, and he or she shall meet all other requirements of section 172.035.**

172.035. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. Such student representative shall not have the right to vote on any matter before the board, **unless the student representative position on the board is converted to a student curator position, as provided under section 172.030.**

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at the University of Missouri.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until the student representative's successor is appointed and qualified.

5. If the student representative ceases to be a student at the University of Missouri, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless such absence is caused by sickness or some accident preventing such representative's arrival at the time and place appointed for the meeting.

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made under this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a student from the Columbia campus, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus. **If after August 28, 2009, the university adds another campus or campuses, then such campus or campuses shall be inserted into the aforementioned rotation following the St. Louis campus in the order in which such campus or campuses are admitted into the university.**

8. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

172.040. **Except as provided in subsection 2 of section 172.030 for student curators,** the term of service of the curators shall be six years, the terms of three expiring every two years; the first expiration occurring on the first day of January, 1911, and succeeding expirations of three members every two years thereafter. Said curators, while attending the meetings of the board, shall receive their actual expenses,

which shall be paid out of the ordinary revenues of the university.

172.060. **Except as provided in subsection 2 of section 172.030 for student curators**, all appointments to fill vacancies, except such as may be made to fill out unexpired terms, shall be for the term of six years, and until the successors of such appointees shall be appointed and qualified.

173.005. 1. There is hereby created a “Department of Higher Education”, and the division of higher education of the department of education is abolished and all its powers, duties, functions, personnel and property are transferred as provided by the Reorganization Act of 1974, Appendix B, RSMo.

2. The commission on higher education is abolished and all its powers, duties, personnel and property are transferred by type I transfer to the “Coordinating Board for Higher Education”, which is hereby created, and the coordinating board shall be the head of the department. The coordinating board shall consist of nine members appointed by the governor with the advice and consent of the senate, and not more than five of its members shall be of the same political party. None of the members shall be engaged professionally as an educator or educational administrator with a public or private institution of higher education at the time appointed or during his term. The other qualifications, terms and compensation of the coordinating board shall be the same as provided by law for the curators of the University of Missouri, **except that no member of the coordinating board shall be a student**. The coordinating board may, in order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical and research personnel as may be necessary to assist it in performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent employees regardless of the source of funding. In addition to all other powers, duties and functions transferred to it, the coordinating board for higher education shall have the following duties and responsibilities:

(1) The coordinating board for higher education shall have approval of proposed new degree programs to be offered by the state institutions of higher education;

(2) The coordinating board for higher education may promote and encourage the development of cooperative agreements between Missouri public four-year institutions of higher education which do not offer graduate degrees and Missouri public four-year institutions of higher education which do offer graduate degrees for the purpose of offering graduate degree programs on campuses of those public four-year institutions of higher education which do not otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of the parties, including assignment of administrative responsibility. Any diploma awarded for graduate degrees under such a cooperative agreement shall include the names of both institutions inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no further approval from the coordinating board for higher education. Any costs incurred with respect to the administrative provisions of this subdivision may be paid from state funds allocated to the institution assigned the administrative authority for the program. The provisions of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this subsection;

(3) In consultation with the heads of the institutions of higher education affected and against a background of carefully collected data on enrollment, physical facilities, manpower needs, institutional missions, the coordinating board for higher education shall establish guidelines for appropriation requests by those institutions of higher education; however, other provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated by the general assembly to the governing board of each public four-year institution of higher education which shall prepare expenditure budgets for the institution;

(4) No new state-supported senior colleges or residence centers shall be established except as provided

by law and with approval of the coordinating board for higher education;

(5) The coordinating board for higher education shall establish admission guidelines consistent with institutional missions;

(6) The coordinating board shall establish policies and procedures for institutional decisions relating to the residence status of students;

(7) The coordinating board shall establish guidelines to promote and facilitate the transfer of students between institutions of higher education within the state and shall ensure that as of the 2008-09 academic year, in order to receive increases in state appropriations, all approved public two- and four-year public institutions shall work with the commissioner of higher education to establish agreed-upon competencies for all entry-level collegiate courses in English, mathematics, foreign language, sciences, and social sciences associated with an institution's general education core and that the coordinating board shall establish policies and procedures to ensure such courses are accepted in transfer among public institutions and treated as equivalent to similar courses at the receiving institutions. The department of elementary and secondary education shall align such competencies with the assessments found in section 160.518, RSMo, and successor assessments;

(8) The coordinating board shall collect the necessary information and develop comparable data for all institutions of higher education in the state.

The coordinating board shall use this information to delineate the areas of competence of each of these institutions and for any other purposes deemed appropriate by the coordinating board;

(9) Compliance with requests from the coordinating board for institutional information and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall be a prerequisite to the receipt of any funds which the coordinating board is responsible for administering;

(10) If any institution of higher education in this state, public or private, willfully fails or refuses to follow any lawful guideline, policy or procedure established or prescribed by the coordinating board, or knowingly deviates from any such guideline, or knowingly acts without coordinating board approval where such approval is required, or willfully fails to comply with any other lawful order of the coordinating board, the coordinating board may, after a public hearing, withhold or direct to be withheld from that institution any funds the disbursement of which is subject to the control of the coordinating board, or may remove the approval of the institution as an approved institution within the meaning of section 173.1102. If any such public institution willfully disregards board policy, the commissioner of higher education may order such institution to remit a fine in an amount not to exceed one percent of the institution's current fiscal year state operating appropriation to the board. The board shall hold such funds until such time that the institution, as determined by the commissioner of higher education, corrects the violation, at which time the board shall refund such amount to the institution. If the commissioner determines that the institution has not redressed the violation within one year, the fine amount shall be deposited into the general revenue fund, unless the institution appeals such decision to the full coordinating board, which shall have the authority to make a binding and final decision, by means of a majority vote, regarding the matter. However, nothing in this section shall prevent any institution of higher education in this state from presenting additional budget requests or from explaining or further clarifying its budget requests to the governor or the general assembly; and

(11) (a) As used in this subdivision, the term "out-of-state public institution of higher education" shall



mean an education institution located outside of Missouri that:

- a. Is controlled or administered directly by a public agency or political subdivision or is classified as a public institution by the state;
- b. Receives appropriations for operating expenses directly or indirectly from a state other than Missouri;
- c. Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;
- d. Meets the standards for accreditation by an accrediting body recognized by the United States Department of Education or any successor agency; and
- e. Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source.

(b) No later than July 1, 2008, the coordinating board shall promulgate rules regarding:

- a. The board's approval process of proposed new degree programs and course offerings by any out-of-state public institution of higher education seeking to offer degree programs or course work within the state of Missouri; and
- b. The board's approval process of degree programs and courses offered by any out-of-state public institutions of higher education that, prior to July 1, 2008, were approved by the board to operate a school in compliance with the provisions of sections 173.600 to 173.618.

The rules shall ensure that, as of July 1, 2008, all out-of-state public institutions seeking to offer degrees and courses within the state of Missouri are evaluated in a manner similar to Missouri public higher education institutions. Such out-of-state public institutions shall be held to standards no lower than the standards established by the coordinating board for program approval and the policy guidelines of the coordinating board for data collection, cooperation, and resolution of disputes between Missouri institutions of higher education under this section. Any such out-of-state public institutions of higher education wishing to continue operating within this state must be approved by the board under the rules promulgated under this subdivision. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

(c) Nothing in this subdivision or in section 173.616 shall be construed or interpreted so that students attending an out-of-state public institution are considered to be attending a Missouri public institution of higher education for purposes of obtaining student financial assistance.

3. The coordinating board shall meet at least four times annually with an advisory committee who shall be notified in advance of such meetings. The coordinating board shall have exclusive voting privileges. The advisory committee shall consist of thirty-two members, who shall be the president or other chief administrative officer of the University of Missouri; the chancellor of each campus of the University of Missouri; the president of each state-supported four-year college or university, including Harris-Stowe State University, Missouri Southern State University, Missouri Western State University, and Lincoln University;

the president of Linn State Technical College; the president or chancellor of each public community college district; and representatives of each of five accredited private institutions selected biennially, under the supervision of the coordinating board, by the presidents of all of the state's privately supported institutions; but always to include at least one representative from one privately supported community college, one privately supported four-year college, and one privately supported university. The conferences shall enable the committee to advise the coordinating board of the views of the institutions on matters within the purview of the coordinating board.

4. The University of Missouri, Lincoln University, and all other state-governed colleges and universities, chapters 172, 174 and 175, RSMo, and others, are transferred by type III transfers to the department of higher education subject to the provisions of subsection 2 of this section.

5. The state historical society, chapter 183, RSMo, is transferred by type III transfer to the University of Missouri.

6. The state anatomical board, chapter 194, RSMo, is transferred by type II transfer to the department of higher education.

7. All the powers, duties and functions vested in the division of public schools and state board of education relating to community college state aid and the supervision, formation of districts and all matters otherwise related to the state's relations with community college districts and matters pertaining to community colleges in public school districts, chapters 163 and 178, RSMo, and others, are transferred to the coordinating board for higher education by type I transfer. Provided, however, that all responsibility for administering the federal-state programs of vocational-technical education, except for the 1202a post-secondary educational amendments of 1972 program, shall remain with the department of elementary and secondary education. The department of elementary and secondary education and the coordinating board for higher education shall cooperate in developing the various plans for vocational-technical education; however, the ultimate responsibility will remain with the state board of education.

8. The administration of sections 163.171 and 163.181, RSMo, relating to teacher-training schools in cities, is transferred by type I transfer to the coordinating board for higher education.

9. All the powers, duties, functions, personnel and property of the state library and state library commission, chapter 181, RSMo, and others, are transferred by type I transfer to the coordinating board for higher education, and the state library commission is abolished. The coordinating board shall appoint a state librarian who shall administer the affairs of the state library under the supervision of the board.

10. All the powers, duties, functions, and properties of the state poultry experiment station, chapter 262, RSMo, are transferred by type I transfer to the University of Missouri, and the state poultry association and state poultry board are abolished. In the event the University of Missouri shall cease to use the real estate of the poultry experiment station for the purposes of research or shall declare the same surplus, all real estate shall revert to the governor of the state of Missouri and shall not be disposed of without legislative approval.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Nodler raised the point of order that **SA 2** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

At the request of Senator Pearce, **SB 255** was placed on the Informal Calendar.

**SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 478**—Small Business, Insurance and Industry.

**SB 479**—Jobs, Economic Development and Local Government.

**SB 480**—General Laws.

**SB 481**—Governmental Accountability and Fiscal Oversight.

**SB 482**—Financial and Governmental Organizations and Elections.

**SB 483**—Small Business, Insurance and Industry.

**SB 484**—Transportation.

**SB 485**—General Laws.

**SB 486**—Small Business, Insurance and Industry.

**SB 487**—Health, Mental Health, Seniors and Families.

**SB 488**—Transportation.

**SB 489**—Jobs, Economic Development and Local Government.

**SB 490**—General Laws.

**SB 491**—Education.

**SB 492**—Education.

**SB 493**—Education.

**SB 494**—Jobs, Economic Development and Local Government.

**SB 495**—Small Business, Insurance and Industry.

**SB 496**—Education.

**SB 497**—Education.

**SB 498**—Education.

**SB 499**—Education.

**SB 500**—Education.

**SB 501**—Ways and Means.

**SB 502**—Education.

**SB 503**—Education.

**SB 504**—Education.

**SB 505**—Education.

**SB 506**—Small Business, Insurance and Industry.

**SB 507**—Jobs, Economic Development and Local Government.

**SB 508**—Jobs, Economic Development and Local Government.

**SB 509**—Health, Mental Health, Seniors and Families.

**SB 510**—Jobs, Economic Development and Local Government.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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THIRTY-FIRST DAY—TUESDAY, MARCH 3, 2009

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 511-Nodler	SB 536-Wilson
SB 512-Dempsey	SB 537-Cunningham
SB 513-Dempsey	SB 538-Champion
SB 514-Dempsey	SB 539-Schaefer
SB 515-Cunningham	SB 540-Schaefer
SB 516-Cunningham	SB 541-Pearce
SB 517-Lembke	SB 542-Pearce
SB 518-Lembke	SB-543-Pearce
SB 519-Shields	SB 544-Schmitt
SB 520-Wright-Jones	SB 545-Schmitt
SB 521-Wright-Jones	SB 546-Schmitt, et al
SB 522-Stouffer	SB 547-Schmitt
SB 523-Bartle	SB 548-Schmitt
SB 524-Griesheimer	SB 549-Schmitt
SB 525-Griesheimer	SB 550-Crowell
SB 526-Clemens	SB 551-Crowell and Schaefer
SB 527-Nodler and Bray	SB 552-Crowell
SB 528-Nodler	SB 553-Crowell
SB 529-Goodman	SB 554-Crowell
SB 530-Goodman	SB 555-Lager
SB 531-Goodman	SB 556-Mayer
SB 532-Bray	SB 557-Mayer
SB 533-Rupp	SB 558-Mayer, et al
SB 534-Rupp	SB 559-Schaefer
SB 535-Days	SB 560-Green

SB 561-Green  
SB 562-Smith  
SB 563-Smith  
SB 564-Smith  
SB 565-Wright-Jones  
SB 566-Wright-Jones  
SB 567-Wright-Jones  
SB 568-Rupp  
SB 569-Lembke  
SB 570-Lembke  
SB 571-Lembke

SB 572-Dempsey  
SB 573-Crowell  
SB 574-Rupp  
SB 575-Smith  
SB 576-Dempsey  
SJR 14-Wilson  
SJR 15-Cunningham  
SJR 16-Lager  
SJR 17-Lembke  
SJR 18-Cunningham

#### HOUSE BILLS ON SECOND READING

HCS for HB 96  
HB 744-Icet  
HB 287-Day, et al

HB 86-Sutherland  
HCS for HB 242  
HB 65-Wilson (119), et al

#### THIRD READING OF SENATE BILLS

SCS for SB 104-Justus, et al  
(In Fiscal Oversight)  
SCS for SB 37-Goodman  
(In Fiscal Oversight)

SB 84-Purgason  
SCS for SB 88-Stouffer  
SB 126-Rupp

#### SENATE BILLS FOR PERFECTION

1. SB 174-Griesheimer and Goodman,  
with SCS
2. SB 7-Griesheimer
3. SB 5-Griesheimer, with SCS
4. SB 38-Rupp
5. SB 44-Pearce, with SCS
6. SB 176-Stouffer, with SCS

7. SBs 237 & 137-Lembke, with SCS
8. SB 8-Champion, with SCS
9. SB 265-Mayer, et al, with SCS
10. SB 93-Green, with SCS
11. SB 57-Stouffer, with SCS
12. SB 231-Cunningham, with SCS
13. SB 202-Schaefer, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB 29-Stouffer  
 SBs 45, 212, 136, 278, 279, 285 &  
 288-Pearce, with SCS (pending)  
 SB 58-Stouffer  
 SB 72-Stouffer, with SCS  
 SB 89-Stouffer, with SCS, SA 1 & SSA 1  
 for SA 1 (pending)

SCS for SB 189-Shields  
 SBs 223 & 226-Goodman, with SCS (pending)  
 SB 255-Pearce  
 SBs 261, 159, 180 & 181-Bartle and Goodman,  
 with SCS, SS for SCS, SA 3 & SA 1 to SA 3  
 (pending)

## CONSENT CALENDAR

## Senate Bills

Reported 2/25

SB 235-Cunningham  
 SBs 165, 164, 248 & 168-Justus, with SCS  
 SB 242-Pearce, with SCS  
 SB 96-Justus, et al, with SCS  
 SB 297-Scott  
 SB 293-Barnitz, et al, with SCS  
 SB 153-Clemens, with SCS

SB 71-Stouffer, with SCS  
 SB 368-Stouffer  
 SB 114-Crowell  
 SB 263-Mayer  
 SB 280-Rupp and Cunningham  
 SB 277-Cunningham

## RESOLUTIONS

## Reported from Committee

SR 141-Engler, with point of order  
 (pending)  
 SCR 5-Stouffer, with SCA 1  
 SCR 7-Pearce  
 SR 207-Lembke and Smith, with  
 SCS & SS for SCS (pending)

SCR 11-Bartle, et al  
 SCR 8-Shoemyer  
 SCR 16-Pearce

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# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTY-FIRST DAY—TUESDAY, MARCH 3, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Luther prayed for Lawmakers: “Give them the ability to work for what is necessary to keep the peace and let them exercise care, lest their laws become impossible burdens.”

Gracious God, we pray also that our senators might fashion and shape laws that will encourage men and women to live well with one another. We pray that they may be able to create legislation that provides governing with strength and power tempered by justice. We pray that our senators will be inspired by wisdom to write laws with integrity that encourages goodwill among all citizens. And pray they accomplish that which is well pleasing to You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

### **RESOLUTIONS**

Senator Shields offered Senate Resolution No. 448, regarding Morgan Schmalz, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 449, regarding Dakota Beveridge, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 450, regarding members of MCCA/Phi Theta Kappa's All-Missouri Academic Team, which was adopted.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 511**—Ways and Means.

**SB 512**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 513**—Financial and Governmental Organizations and Elections.

**SB 514**—General Laws.

**SB 515**—Education.

**SB 516**—Education.

**SB 517**—Health, Mental Health, Seniors and Families.

**SB 518**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 519**—General Laws.

**SB 520**—Education.

**SB 521**—Education.

**SB 522**—Transportation.

**SB 523**—Financial and Governmental Organizations and Elections.

**SB 524**—Ways and Means.

**SB 525**—Transportation.

**SB 526**—Agriculture, Food Production and Outdoor Resources.

**SB 527**—Appropriations.

**SB 528**—Governmental Accountability and Fiscal Oversight.

**SB 529**—General Laws.

**SB 530**—General Laws.



**SB 531**—Commerce, Consumer Protection, Energy and the Environment.

**SB 532**—Financial and Governmental Organizations and Elections.

**SB 533**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 534**—Health, Mental Health, Seniors and Families.

**SB 535**—General Laws.

**SB 536**—Health, Mental Health, Seniors and Families.

**SB 537**—Education.

**SB 538**—Health, Mental Health, Seniors and Families.

**SB 539**—Appropriations.

**SB 540**—General Laws.

**SB 541**—Financial and Governmental Organizations and Elections.

**SB 542**—Governmental Accountability and Fiscal Oversight.

**SB 543**—Governmental Accountability and Fiscal Oversight.

**SB 544**—General Laws.

**SB 545**—Commerce, Consumer Protection, Energy and the Environment.

**SB 546**—Health, Mental Health, Seniors and Families.

**SB 547**—Small Business, Insurance and Industry.

**SB 548**—General Laws.

**SB 549**—Health, Mental Health, Seniors and Families.

**SB 550**—Veterans' Affairs, Pensions and Urban Affairs.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

March 02, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Connie L. Herbert, 1553 Trenton Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending February 26, 2013, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 02, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tammy P. Long, 302 West Wimer, Knob Noster, Johnson County, Missouri 65336, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2010 and until her successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 02, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bruce D. Lynch, 2517 Fox Drive, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2012 and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 02, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Vicki L. McCarrell, 6879 Highway 135, Pilot Grove, Cooper County, Missouri 65276, as a member of the Missouri Commission on Autism Spectrum Disorders, for a tem ending February 26, 2013, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 02, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Anne M. Roux, 808 Kentridge Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending February 26, 2013, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
March 02, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Juan M. Samaniego, 7530 Milan, Saint Louis, Saint Louis County, Missouri 63130, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2010 and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

Senator Bartle assumed the Chair.

### **SENATE BILLS FOR PERFECTION**

Senator Griesheimer moved that **SB 174**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 174**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 174**

An Act to repeal sections 52.240, 53.175, 67.110, 137.073, 137.106, 137.180, 137.243, 137.355, 137.385, 137.425, 137.490, 137.720, 138.140, and 139.031, RSMo, and to enact in lieu thereof fourteen new sections relating to property taxes, with an emergency clause.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 174** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 174**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 174**

An Act to repeal sections 52.240, 53.175, 67.110, 137.073, 137.106, 137.180, 137.243, 137.355, 137.385, 137.425, 137.490, 137.720, 138.140, 138.380, and 139.031, RSMo, and to enact in lieu thereof fifteen new sections relating to property taxes, with an emergency clause.

Senator Griesheimer moved that **SS** for **SCS** for **SB 174** be adopted.

Senator Lager offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 174, Page 37, Section 137.180, Line 19, by inserting immediately after the word “assessor.” the following:

**“The provisions of this subsection shall not apply to any county of the third or fourth classification.”.**

Senator Lager moved that the above amendment be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Griesheimer, **SB 174**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Griesheimer moved that **SB 7** be taken up for perfection, which motion prevailed.

Senator Griesheimer offered **SS** for **SB 7**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 7

An Act to repeal sections 48.030, 49.310, 50.660, 50.783, 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 59.319, 65.610, 67.280, 67.410, 67.1360, 67.1361, 67.2000, 79.450, 94.400, 94.510, 94.550, 94.577, 94.902, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.150, 140.160, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 141.160, 165.071, 204.569, 247.031, 320.121, 650.396, and 650.399, RSMo, and to enact in lieu thereof sixty-two new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Senator Griesheimer moved that **SS** for **SB 7** be adopted.

Senator Griesheimer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 7, Pages 49-52, Section 82.860, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 7, Page 30, Section 67.1360, Line 15 of said page, by striking the word “or”; and further amend Line 19 of said page, by inserting after all of said line the following: **“or**

**(35) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county;”.**

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 7, Page 52, Section 82.860, Line 14, by inserting after all of said line the following:

**“82.1026. The governing body of any home rule city with a population of more than four hundred thousand inhabitants and located in more than one county may enact ordinances to provide for the building official of the city or an authorized representative of the building official to petition the circuit court in the county in which a vacant nuisance building or structure is located for the appointment of a receiver to rehabilitate the building or structure, to demolish it, or to sell it to a qualified buyer.”; and**

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 7, Page 18, Section 67.281, Line 13 of said page, by inserting after all of said line the following:

**“67.399. 1. The governing body of any municipality or county with a charter form of government and with more than one million inhabitants may, by ordinance, establish a semiannual registration fee not to exceed two hundred dollars which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, that is vacant, has been vacant for at least six months, and is characterized by violations of applicable housing codes established by such municipality, except that the governing body of any city not within a county may, by ordinance, establish a semiannual registration fee of not more than five hundred dollars to be charged to the owner of any such property.**

2. The municipality shall designate a municipal officer to investigate any property that may be subject to the registration fee. The officer shall report his findings and recommendations, and shall determine whether any such property shall be subject to the registration fee. Within five business days, the clerk of the municipality or county with a charter form of government and with more than one million inhabitants shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and the county. The property owner shall have the right to appeal the decision of the office to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for reconsideration pursuant to subsection 3 of this section, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the municipal officer.

3. Within thirty days of the municipality or county with a charter form of government and with more than one million inhabitants making such notification, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee, and then may request a reinspection of the property and a reconsideration of the levy of the registration fee by the municipality or county with a charter form of government and with more than one million inhabitants. If the municipal or county officer revokes the registration fee, no such assessment shall be made and the matter shall be

considered closed. If the officer affirms the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the officer to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the municipal governing body.

4. The municipal governing body shall establish by ordinance procedures for payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable housing code cited by the municipal officers have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 5**, which was read:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 7, Pages 47-49, Section 79.450, by striking said section from the bill; and

Further amend said bill, Section 320.121, Pages 115 and 116, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Griesheimer, **SB 7**, with **SS**, as amended (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

March 3, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Mark N. Templeton as the Director of the Department of Natural Resources, submitted on February 20, 2009. Lines 1 and 2 should be amended as follows:

“Mark N. Templeton, 4905 Royal Litham Drive, Columbia, Boone County, Missouri 65203,”.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above addendum to the Committee on Gubernatorial Appointments.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Rupp.

**RESOLUTIONS**

Senator Engler offered Senate Resolution No. 451, regarding Joseph C. Moulton, Ste. Genevieve, which was adopted.

Senators Bray and Days offered Senate Resolution No. 452, regarding University City, which was adopted.

Senator Crowell offered Senate Resolution No. 453, regarding Mr. and Mrs. Shawn Eugene Roll-Huston, which was adopted.

Senator Justus offered Senate Resolution No. 454, regarding Lieutenant Christopher Hanes, Grandview, which was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 297**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 14**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 21**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 2**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

March 03, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brian H. May, Democrat, 994 Stone Spring Drive, Eureka, Saint Louis County, Missouri 63025, as a member of the Missouri Development Finance Board, for a term ending September 14, 2013, and until his successor is duly appointed and qualified; vice, Nelson C. Grumney, Jr., withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

March 03, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Todd C. Mayfield, 1526 Timber Trail, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2012, and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCR 16**.

HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE CONCURRENT RESOLUTION NO. 16

Whereas, President of the United States Barack H. Obama has, by executive order, ordered the Pentagon to close the Guantanamo Bay prison within one year; and

Whereas, many of the detainees currently imprisoned at Guantanamo Bay are suspected terrorists and have committed or are accused of committing egregious crimes against the United States of America, including but not limited to orchestrating attacks on the World Trade Center, the Pentagon, and another target in the nation's Capitol on September 11, 2001; and

Whereas, the safety and security of Missouri citizens is an issue of utmost importance to the Missouri General Assembly; and

Whereas, the manner and route of relocation and the ultimate destination of these terror suspects when transferred from the Guantanamo Bay prison remains unclear; and

Whereas, the transportation of these terror suspects through Missouri as they are routed to another military or federal detention center could pose an unnecessary risk to the safety, security, and lives of our citizens; and

Whereas, the temporary internment of these terror suspects in Missouri as they are transported to another military or federal detention center could pose an unnecessary risk to the safety, security, and lives of our citizens; and

Whereas, Missouri seeks the support of the state governments of Missouri's eight contiguous states - Arkansas, Illinois, Iowa, Kansas, Kentucky, Nebraska, Oklahoma, and Tennessee - in notifying our public safety officials of any attempt to transport terror suspects across our borders:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate concurring therein, hereby strongly urge the United States Congress to reject any act of asylum, containment, transport, imprisonment, or medical care in regard to suspected terrorists from any United States operated foreign prison present within the State of Missouri; and



Be it further resolved that the Missouri General Assembly also encourages all of Missouri's contiguous states to adopt similar resolutions; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Barack H. Obama, President of the United States; the Majority Leader and Minority Leader of the United States Senate; the Majority Leader and Minority Leader of the United States House of Representatives; each member of the Missouri Congressional delegation; and the Governor of each of Missouri's eight contiguous states, and the President of the Senate and Speaker of the House of Representatives of each of the legislatures of Missouri's eight contiguous states.

In which the concurrence of the Senate is respectfully requested.

### SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 5**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS** for **SB 5**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 5

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 5** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 5**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 5

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

Senator Griesheimer moved that **SS** for **SCS** for **SB 5** be adopted.

Senator Griesheimer offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 3, Section 64.1006, Line 23, by inserting at the end of said line the following: "**At the hearings, the county commission shall provide information identifying the scope, anticipated cost, and funding source for the county planning.**".

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 1, Section 64.1000, Line 10 of said page, by inserting after "counties" the following: "**with an assessed valuation**".

**greater than two hundred million dollars”; and**

Further amend said bill, Page 3, Section 64.1006, Line 18 of said page, by inserting after “state” the following: “**as described under subsection 2 of section 64.1000**”; and further amend line 26 of said page, by inserting after “county” the following: “**described under subsection 2 of section 64.1000**”; and

Further amend said bill, Page 31, Section 64.1042, Line 25 of said page, by inserting after “commission” the following: “**of a county described under subsection 2 of section 64.1000**”.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 5**, with **SCS, SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Nodler assumed the Chair.

Senator Rupp moved that **SB 38** be taken up for perfection, which motion prevailed.

Senator Mayer assumed the Chair.

Senator Purgason offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 38, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“48.020. **1.** All counties of this state are hereby classified, for the purpose of establishing organization and powers in accordance with the provisions of section 8, article VI, Constitution of Missouri, into four classifications determined as follows:

Classification 1. All counties having an assessed valuation of [six] **seven** hundred **fifty** million dollars and over shall automatically be in the first classification after that county has maintained such valuation for the time period required by section 48.030; however, any county of the second classification which, on August 13, 1988, has had an assessed valuation of at least four hundred million dollars for at least one year may, by resolution of the governing body of the county, elect to be classified as a county of the first classification after it has maintained such valuation for the period of time required by the provisions of section 48.030.

Classification 2. All counties having an assessed valuation of [four] **six** hundred [fifty] million dollars and less than the assessed valuation necessary for that county to be in the first classification shall automatically be in the second classification after that county has maintained such valuation for the time period required by section 48.030.

Classification 3. All counties having an assessed valuation of less than the assessed valuation necessary for that county to be in the second classification shall automatically be in the third classification.

Classification 4. All counties which have attained the second classification prior to August 13, 1988, and which would otherwise return to the third classification after August 13, 1988, because of changes in assessed valuation shall remain a county in the second classification and shall operate under the laws of this state applying to the second classification.

**2. The required assessed valuation for each classification under subsection 1 of this section shall**

**be increased by an amount equal to any percentage increase in the consumer price index.”; and**

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Rupp, **SB 38**, as amended, was declared perfected and ordered printed.

Senator Pearce moved that **SB 44**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 44**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 44

An Act to repeal sections 221.111, 221.353, 221.510, 575.210, 575.220, and 575.240, RSMo, and to enact in lieu thereof eight new sections relating to private jails, with penalty provisions.

Was taken up.

Senator Pearce moved that **SCS** for **SB 44** be adopted.

Senator Pearce offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 44, Page 2, Section 221.095, Lines 26-27, by striking “any city of the third of fourth classification” and inserting in lieu thereof the following: “**a city**”; and further amend lines 28 and 29, by striking “any city of the third of fourth classification” and inserting in lieu thereof the following: “**of a city**”.

Senator Pearce moved that the above amendment be adopted.

At the request of Senator Pearce, **SB 44**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 37**, begs leave to report that it has considered the same and recommends that the bill do pass.

**COMMUNICATIONS**

Senator Crowell submitted the following:

March 3, 2009

Dear Mrs. Spieler:

I am hereby requesting that **SCS** for **SB 71** be removed from the Consent Calendar.

/s/ Jason Crowell

Senator Bray submitted the following:

March 3, 2009

Terry Spieler  
Senate Secretary  
Missouri State Senate  
State Capitol Building, Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

In accordance with Rule 45, I am writing to object to the placement of SB 235 on the Consent Calendar. This bill is too controversial to qualify as a consent bill, and therefore should be removed as such and returned to the Ways and Means Committee.

Sincerely,  
/s/ Joan Bray  
Joan Bray

### **INTRODUCTIONS OF GUESTS**

Senator Crowell introduced to the Senate, the Physician of the Day, Dr. Brian Schafer, M.D., his wife, Holly and their daughters, Eva and Claire, Cape Girardeau.

Senator Goodman introduced to the Senate, Emily Swan, Tim Smith and Zack Thompson, Marena Crouch, Brent Downs, Kayla Lucas, Jake Fuldner, Shey Meeks, Sarah Swank and Braiden Vaught, eighth grade students from Berean Christian Academy, Monett.

Senator Pearce introduced to the Senate, Dr. Sarah Stevens and her daughter, Rachel, Warrensburg.

Senator Shields introduced to the Senate, Leonard Draves, Lori Fordyce, Beth Gregory and John Schlange, St. Joseph.

Senator Wilson introduced to the Senate, Kendyl Boone, Stephens College Childrens' School, Columbia; and Kendyl was made an honorary page.

Senator Schaefer introduced to the Senate, Dr. Lea Cheyney Brandt, OTD, OTR/L, Columbia.

Senator Ridgeway introduced to the Senate, Jeanna Haddock, North Kansas City; and Kristi Sappington, Brookfield.

Senator Schmitt introduced to the Senate, Sarah Haffner, Fenton.

Senator Griesheimer introduced to the Senate, Kathy Zuroweste, New Haven.

Senator Crowell introduced to the Senate, fourth grade students from Cape Christian School, Cape Girardeau.

Senator Bray introduced to the Senate, Dr. Kenneth Carson, Clayton.

Senator Wright-Jones introduced to the Senate, Sheneal R. Clayborne and forty students from Ethel Hedgeman Lyle Academy, St. Louis.

Senator Shields introduced to the Senate, Emergency Medical Services professionals from across Missouri.

Senator Purgason introduced to the Senate, members of Air Evac EMS from around the state.

Senator Wright-Jones introduced to the Senate, Lee Fetter and Aaron Wolf, St. Louis.

Senator Green introduced to the Senate, Natascha Harried, her daughter, Brianna and Patrick Manning, St. Louis County; and Brianna was made an honorary page.

On behalf of Senator Pearce, the President introduced to the Senate, fourth grade students from McEowen Elementary School, Harrisonville.

Senator Wright-Jones introduced to the Senate, Mike Meehan, St. Louis.

Senator Wilson introduced to the Senate, Dr. Lashonda Carter-Boone, Columbia.

Senator Ridgeway introduced to the Senate, Stacy Williamson, Marjorie Bohning, Renita Landers, Carla Whitt, Lisa Mandina, Collin Cochran and Phyllis Lillard, North Kansas City.

Senator Green introduced to the Senate, Principal Kerry McDaniel, teachers Sue Downs and Cheryl Scurry, adults and fifty-one fourth grade students from Robinwood Elementary School, Florissant; and Kaylynn Connor, Albert Behlmann, Jessica Volkmann and Rosemary Burgess were made honorary pages.

Senator Ridgeway introduced to the Senate, Dr. Foster, Dr. Tyler, Dr. Kelling, Dr. Cosner, Dr. King, Dr. Holtz and Dr. Buckmiller, Clay County.

Senator Schmitt introduced to the Senate, Jeannine Stewart, St. Louis; and Jim Baxendale, Webster Groves.

On motion of Senator Goodman, the Senate adjourned under the rules.

## SENATE CALENDAR

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THIRTY-SECOND DAY–WEDNESDAY, MARCH 4, 2009

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 551-Crowell and Schaefer  
SB 552-Crowell  
SB 553-Crowell  
SB 554-Crowell  
SB 555-Lager  
SB 556-Mayer  
SB 557-Mayer  
SB 558-Mayer, et al  
SB 559-Schaefer  
SB 560-Green  
SB 561-Green  
SB 562-Smith  
SB 563-Smith  
SB 564-Smith  
SB 565-Wright-Jones  
SB 566-Wright-Jones

SB 567-Wright-Jones  
SB 568-Rupp  
SB 569-Lembke  
SB 570-Lembke  
SB 571-Lembke  
SB 572-Dempsey and Justus  
SB 573-Crowell  
SB 574-Rupp  
SB 575-Smith  
SB 576-Dempsey  
SJR 14-Wilson  
SJR 15-Cunningham  
SJR 16-Lager  
SJR 17-Lembke  
SJR 18-Cunningham

## HOUSE BILLS ON SECOND READING

HCS for HB 96  
 HB 744-Icet  
 HB 287-Day, et al

HB 86-Sutherland  
 HCS for HB 242  
 HB 65-Wilson (119), et al

## THIRD READING OF SENATE BILLS

SCS for SB 104-Justus, et al (In  
 Fiscal Oversight)  
 SCS for SB 37-Goodman

SB 84-Purgason  
 SCS for SB 88-Stouffer  
 SB 126-Rupp

## SENATE BILLS FOR PERFECTION

SB 176-Stouffer, with SCS  
 SBs 237 & 137-Lembke, with SCS  
 SB 8-Champion, with SCS  
 SB 265-Mayer, et al, with SCS

SB 93-Green, with SCS  
 SB 57-Stouffer, with SCS  
 SB 231-Cunningham, with SCS  
 SB 202-Schaefer, with SCS

## HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
 (Griesheimer) (In Fiscal Oversight)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 5-Griesheimer, with SCS, SS for SCS &  
 SA 2 (pending)  
 SB 7-Griesheimer, with SS (pending)  
 SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB 29-Stouffer  
 SB 44-Pearce, with SCS & SA 1 (pending)  
 SBs 45, 212, 136, 278, 279, 285 &  
 288-Pearce, with SCS (pending)  
 SB 58-Stouffer  
 SB 72-Stouffer, with SCS

SB 89-Stouffer, with SCS, SA 1 & SSA 1  
 for SA 1 (pending)  
 SB 174-Griesheimer and Goodman, with  
 SCS, SS for SCS & SA 1 (pending)  
 SCS for SB 189-Shields  
 SBs 223 & 226-Goodman, with SCS (pending)  
 SB 255-Pearce  
 SBs 261, 159, 180 & 181-Bartle and  
 Goodman, with SCS, SS for SCS, SA 3  
 & SA 1 to SA 3 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/25

SBs 165, 164, 248 & 168-Justus, with SCS	SB 368-Stouffer
SB 242-Pearce, with SCS	SB 114-Crowell
SB 96-Justus, et al, with SCS	SB 263-Mayer
SB 293-Barnitz, et al, with SCS	SB 280-Rupp and Cunningham
SB 153-Clemens, with SCS	SB 277-Cunningham

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order (pending)	SCR 8-Shoemyer
SCR 5-Stouffer, with SCA 1	SCR 16-Pearce
SCR 7-Pearce	SCR 14-Schmitt
SR 207-Lembke and Smith, with SCS & SS for SCS (pending)	SCR 21-Clemens
SCR 11-Bartle, et al	SCR 2-Crowell

To be Referred

HCS for HCR 16

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# Journal of the Senate

FIRST REGULAR SESSION

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**THIRTY-SECOND DAY—WEDNESDAY, MARCH 4, 2009**

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The Senate met pursuant to adjournment.

Senator Lager in the Chair.

Reverend Carl Gauck offered the following prayer:

“But the wisdom from above is first pure, then peaceable, gentle, open to reason, full of mercy and good fruits, without uncertainty or insincerity.” (James 3:17)

Almighty God, as we discern this day's business let us do so with a gentle, peaceable nature so that our efforts produce the good fruits that were first inspired from You. Let our arguments be filled with sincerity and reasonableness so that they are persuasive and produce the needed results we seek. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from MUTigers.com were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None



Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senators Bray, Days, Smith and Wright-Jones offered Senate Resolution No. 455, regarding Betty Marver, St. Louis, which was adopted.

Senator Goodman offered Senate Resolution No. 456, regarding Jerry Hall, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, coaches and players of the 2008 University of Missouri Football team. Coach Gary Pinkel assumed the dais and addressed the members of the Senate.

Senator Lager assumed the Chair.

## SENATE BILLS FOR PERFECTION

At the request of Senator Stouffer, **SB 176**, with **SCS**, was placed on the Informal Calendar.

Senator Lembke moved that **SB 237** and **SB 137**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 237** and **137**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 237 and 137

An Act to amend chapter 335, RSMo, by adding thereto twelve new sections relating to the nurse licensure compact.

Was taken up.

Senator Lembke moved that **SCS** for **SBs 237** and **137** be adopted.

Senator Bray offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 237 and 137, Page 1, In the Title, Lines 2-3, by striking the words “the nurse licensure compact” and inserting in lieu thereof the following:

“nurses”; and

Further amend said bill, page 1, section A, line 4, by inserting after said line the following:

**“197.296. 1. Beginning January 1, 2010, every hospital licensed under this chapter shall compile and post daily in the patient care area of each unit of the hospital, and provide upon request to a member of the public, information detailing for each unit and for the end of the prevailing shift, as appropriate:**

**(1) The number of registered professional nurses providing direct patient care and the ratio of registered professional nurses to patients;**

**(2) The number of licensed practical nurses providing direct patient care and the ratio of licensed practical nurses to patients;**

(3) The number of certified nurse aides providing direct patient care and the ratio of certified nurse aides to patients;

(4) The methods used by the hospital for determining and adjusting direct patient care staffing levels.

2. The information posted under this section shall be displayed in a manner that is visible and accessible to all patients, their families, and caregivers in the hospital, as determined by rule of the department of health and senior services and subject to the applicable requirements of federal law.

3. A hospital shall report the information compiled under this section to the department of health and senior services on a monthly basis, on a form and in a manner prescribed by the department. The department shall make such information available to the public on a quarterly basis, accompanied by a written explanation, which the department shall prepare, to assist members of the public in interpreting the information reported under this section.

4. Any hospital that fails to comply with the provisions of this section, or any rules promulgated thereto, shall be subject to licensure sanction.

5. The department of health and senior services shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Cunningham raised the point of order that **SA 1** is out of order as it goes beyond the title and scope of the underlying legislation.

The point of order was referred to the President Pro Tem who ruled in well taken.

Senator Dempsey assumed the Chair.

Senator Lembke moved that **SCS** for **SBs 237** and **137** be adopted, which motion prevailed.

On motion of Senator Lembke, **SCS** for **SBs 237** and **137** was declared perfected and ordered printed.

Senator Champion moved that **SB 8**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 8**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 8

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to crime laboratories.

Was taken up.

Senator Champion moved that **SCS** for **SB 8** be adopted.

Senator Champion offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 8, Page 2, Section 650.059, Lines 44-45, by striking all of said lines and inserting in lieu thereof the following: “**Missouri**”; and

Further amend said bill and section, page 3, lines 67-68, by striking the words “crime laboratory system in this state”; and inserting in lieu thereof the following: “**quality management systems within the crime laboratories in the state, but shall not make recommendations related to relocation or consolidation of these crime laboratories**”.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Champion moved that **SCS** for **SB 8**, as amended, be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 8**, as amended, was declared perfected and ordered printed.

Senator Mayer moved that **SB 265**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS** for **SB 265**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 265

An Act to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to statewide court automation, with penalty provisions and an expiration date.

Was taken up.

Senator Mayer moved that **SCS** for **SB 265** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 265** was declared perfected and ordered printed.

Senator Green moved that **SB 93**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 93**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 93

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment and administration of a drunk driving memorial sign program.

Was taken up.

Senator Green moved that **SCS** for **SB 93** be adopted, which motion prevailed.

On motion of Senator Green, **SCS** for **SB 93** was declared perfected and ordered printed.

**THIRD READING OF SENATE BILLS**

**SB 165** and **SB 164**, introduced by Senator Justus, **SB 248**, introduced by Senator Schaefer and **SB 168**, introduced by Senator Shoemyer, with **SCS**, entitled respectively:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

An Act to repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to a sales tax to fund public safety improvements.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to the imposition of a transient guest tax by certain municipalities.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a property tax for cemetery maintenance.

Were called from the Consent Calendar and taken up by Senator Justus.

**SCS for SBs 165, 164, 248 and 168**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 165, 164, 248 and 168

An Act to repeal sections 67.1360 and 94.902, RSMo, and to enact in lieu thereof four new sections relating to certain taxes imposed by local governments.

Was taken up.

Senator Justus moved that **SCS for SBs 165, 164, 248 and 168** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS for SBs 165, 164, 248 and 168** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Purgason      Ridgeway—2

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 242**, with **SCS**, introduced by Senator Pearce, entitled:

An Act to repeal section 204.569, RSMo, and to enact in lieu thereof one new section relating to sewer

subdistricts.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 242**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 242

An Act to repeal section 204.569, RSMo, and to enact in lieu thereof one new section relating to sewer subdistricts, with an emergency clause.

Was taken up.

Senator Pearce moved that **SCS** for **SB 242** be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 242** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Champion      Mayer—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Champion      Smith—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

**SB 96**, with **SCS**, introduced by Senator Justus, et al, entitled:

An Act to amend chapters 167 and 210, RSMo, by adding thereto three new sections relating to educational needs and rights for foster children.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 96**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 96

An Act to amend chapters 167 and 210, RSMo, by adding thereto three new sections relating to educational needs and rights for foster children.

Was taken up.

Senator Justus moved that **SCS** for **SB 96** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS** for **SB 96** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Champion      Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 293**, with **SCS**, introduced by Senator Barnitz, et al, entitled:

An Act to repeal sections 304.170 and 304.260, RSMo, and to enact in lieu thereof two new sections relating to tractor parades.

Was called from the Consent Calendar and taken up.

**SCS for SB 293**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 293**

An Act to repeal sections 304.170 and 304.260, RSMo, and to enact in lieu thereof two new sections relating to tractor parades, with an emergency clause.

Was taken up.

Senator Barnitz moved that **SCS for SB 293** be adopted, which motion prevailed.

On motion of Senator Barnitz, **SCS for SB 293** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

**NAYS—Senators—None**

**Absent—Senators**

Champion      Scott—2

**Absent with leave—Senators—None**

**Vacancies—None**

The President declared the bill passed.

The emergency clause was adopted by the following vote:

**YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

**NAYS—Senators—None**

**Absent—Senators**

Champion      Lembke      Scott—3

**Absent with leave—Senators—None**

**Vacancies—None**

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 153**, with **SCS**, introduced by Senator Clemens, entitled:

An Act to repeal section 416.440, RSMo, and to enact in lieu thereof one new section relating to the sale of milk.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 153**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 153

An Act to repeal section 416.440, RSMo, and to enact in lieu thereof one new section relating to the sale of milk.

Was taken up.

Senator Clemens moved that **SCS** for **SB 153** be adopted, which motion prevailed.

On motion of Senator Clemens, **SCS** for **SB 153** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Champion      Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 37**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 37

An Act to repeal sections 600.011, 600.015, 600.017, 600.019, 600.021, 600.040, 600.042, 600.048, 600.086, 600.089, 600.090, and 600.096, RSMo, and to enact in lieu thereof thirteen new sections relating to the public defender system, with penalty provisions.

Was taken up by Senator Goodman.

Senator Clemens assumed the Chair.



Senator Dempsey assumed the Chair.

On motion of Senator Goodman, **SCS** for **SB 37** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Champion      Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 84**, introduced by Senator Purgason, entitled:

An Act to amend chapter 227, RSMo, by adding thereto three new sections relating to designation of state highways and bridges.

Was taken up.

On motion of Senator Purgason, **SB 84** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Champion      Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, Senator Engler submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 66**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 196**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 122**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 256**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 294**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 262**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 224**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following

report:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 232**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 134**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 349**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 127**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 38**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS for SB 104**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dempsey assumed the Chair.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 551**—Judiciary and Civil and Criminal Jurisprudence.

**SB 552**—Health, Mental Health, Seniors and Families.

**SB 553**—Health, Mental Health, Seniors and Families.

**SB 554**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 555**—Commerce, Consumer Protection, Energy and the Environment.

**SB 556**—Agriculture, Food Production and Outdoor Resources.

**SB 557**—Jobs, Economic Development and Local Government.

**SB 558**—Education.

**SB 559**—Appropriations.

**SB 560**—General Laws.

**SB 561**—Governmental Accountability and Fiscal Oversight.

**SB 562**—General Laws.

**SB 563**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 564**—Education.

**SB 565**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 566**—Jobs, Economic Development and Local Government.

**SB 567**—Jobs, Economic Development and Local Government.

**SB 568**—Governmental Accountability and Fiscal Oversight.

**SB 569**—Financial and Governmental Organizations and Elections.

**SB 570**—Health, Mental Health, Seniors and Families.

**SB 571**—Small Business, Insurance and Industry.

**SB 572**—Jobs, Economic Development and Local Government.

**SB 573**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 574**—Jobs, Economic Development and Local Government.

**SB 575**—Ways and Means.

**SB 576**—Education.

### **REFERRALS**

President Pro Tem Shields referred **HCS** for **HCR 16** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **RE-REFERRALS**

President Pro Tem Shields re-referred **SB 547** to the Committee on Health, Mental Health, Seniors and Families.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Kinder.

### **RESOLUTIONS**

Senator Lembke offered Senate Resolution No. 457, regarding Bryan Mitchell, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 458, regarding Morris and Linda Thomas, Sunset Hills, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 459, regarding Steve Boggeman, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 460, regarding Truman Bank, Crestwood, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 461, regarding Michael Orlando, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 462, regarding Stella Gault, Sunset Hills, which was adopted.

Senator Barnitz offered Senate Resolution No. 463, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Anthony “Tony” Tedrick, Wellsville, which was adopted.

Senator Scott offered Senate Resolution No. 464, regarding Mary Ellen Weant, Cole Camp, which was adopted.

Senator Barnitz offered Senate Resolution No. 465, regarding the One Hundredth Birthday of Amanda Bohl Schriever, Hermann, which was adopted.

### SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 255** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Smith offered **SA 3**:

### SENATE AMENDMENT NO. 3

Amend Senate Bill No. 255, Page 1, Section 172.030, Line 1, by inserting immediately after “172.030.” the following: “**1.**”; and further amend line 3 by striking the opening bracket “[” and further amend line 4 by striking the following: “] at least one but no more than two persons”; and further amend line 5 by striking all of said line and inserting in lieu thereof the following: “upon said board from the same congressional district, **except as provided in subsection 2 of this section**, and no person shall”; and further amend line 8 by inserting after all of said line the following:

**“2. In the event the state of Missouri loses a congressional district following redistricting based on the 2010 census, the ninth member of the board shall be a student curator who shall have the right to vote on any matter before the board, including the hiring or firing of the president of the University of Missouri system, the chancellors of each of the university campuses, the general counsel of the university, the secretary of the board of curators, and all other general officers of the university. The student shall be enrolled full time in a program of study leading to a post-baccalaureate degree. However, the student curator shall be excluded from all other decisions regarding hiring or firing of faculty or staff. The student curator may be from any congressional district, and his or her district may be the same as one member of the board. The first student curator shall be appointed in January 2011 and shall serve a two-year term provided the person maintains the status of a full-time student. The student curator appointed under this subsection shall replace the nonvoting student representative appointed under section 172.035; however, such student curator shall be appointed in the manner prescribed in section 172.035, and he or she shall meet all other requirements of section 172.035.**

**3. The student curator appointed under subsection 2 of this section shall in no manner modify the**

**composition of any other statutorily created board, notwithstanding any other provision of law to the contrary.**

172.035. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. Such student representative shall not have the right to vote on any matter before the board, **unless the student representative position on the board is converted to a student curator position, as provided under section 172.030.**

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at the University of Missouri.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until the student representative's successor is appointed and qualified.

5. If the student representative ceases to be a student at the University of Missouri, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless such absence is caused by sickness or some accident preventing such representative's arrival at the time and place appointed for the meeting.

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made under this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a student from the Columbia campus, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus. **If after August 28, 2009, the university adds another campus or campuses, then such campus or campuses shall be inserted into the aforementioned rotation following the St. Louis campus in the order in which such campus or campuses are admitted into the university.**

8. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

172.040. **Except as provided in subsection 2 of section 172.030 for student curators,** the term of service of the curators shall be six years, the terms of three expiring every two years; the first expiration occurring on the first day of January, 1911, and succeeding expirations of three members every two years thereafter. Said curators, while attending the meetings of the board, shall receive their actual expenses, which shall be paid out of the ordinary revenues of the university.

172.060. **Except as provided in subsection 2 of section 172.030 for student curators,** all appointments to fill vacancies, except such as may be made to fill out unexpired terms, shall be for the term

of six years, and until the successors of such appointees shall be appointed and qualified.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Crowell, Days and Justus.

**SA 3** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Callahan	Crowell	Days	Engler	Green	Justus	Shields
Smith—9							

NAYS—Senators

Bartle	Clemens	Cunningham	Dempsey	Goodman	Griesheimer	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schmitt
Scott	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—22		

Absent—Senators

Bray	Champion—2
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Absent with leave—Senator Schaefer—1

Vacancies—None

On motion of Senator Pearce, **SB 255** was declared perfected and ordered printed.

### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 237** and **137**; **SCS** for **SB 8**; **SCS** for **SB 93**; and **SCS** for **SB 265**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### REFERRALS

President Pro Tem Shields referred **SCS** for **SB 265** to the Committee on Governmental Accountability and Fiscal Oversight.

### THIRD READING OF SENATE BILLS

**SCS** for **SB 104**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 104

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to immunizations against the human papillomavirus.

Was taken up by Senator Justus.

On motion of Senator Justus, **SCS** for **SB 104** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer	McKenna
Nodler	Pearce	Rupp	Schmitt	Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson	Wright-Jones—28				

NAYS—Senators

Clemens	Cunningham	Lembke	Purgason	Ridgeway—5
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Absent—Senators—None

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 88**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 88

An Act to repeal section 304.155, RSMo, and to enact in lieu thereof one new section relating to state highway system incident management.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS** for **SB 88** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey	Engler
Goodman	Griesheimer	Justus	Lager	Pearce	Ridgeway	Rupp	Schmitt
Scott	Shields	Smith	Stouffer	Vogel	Wilson	Wright-Jones—23	

NAYS—Senators

Barnitz	Bartle	Clemens	Green	Lembke	Mayer	McKenna	Nodler
Purgason	Shoemyer—10						

Absent—Senators—None

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.



On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 126**, introduced by Senator Rupp, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prohibiting discrimination in life insurance based on lawful travel destinations, with penalty provisions.

Was taken up.

On motion of Senator Rupp, **SB 126** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 261**, **SB 159**, **SB 180**, and **SB 181**, with **SCS**, **SS** for **SCS**, **SA 3** and **SA 1** to **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Bartle, **SS** for **SCS** for **SBs 261, 159, 180** and **181**, was withdrawn, rendering the pending amendments moot.

Senator Bartle offered **SS No. 2** for **SCS** for **SBs 261, 159, 180** and **181**, entitled:

#### SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 261, 159, 180 and 181

An Act to repeal sections 174.700, 195.214, 195.217, 195.218, 556.036, 566.147, 566.149, 566.226, 570.030, 570.040, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 577.029, 578.025, 578.030, and 578.255, RSMo, section 577.023 as enacted by senate committee

substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in lieu thereof thirty-five new sections relating to crime, with penalty provisions and an emergency clause for certain sections.

Senator Bartle moved that **SS No. 2** for **SCS** for **SBs 261, 159, 180** and **181** be adopted.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 11, Section 558.012, Line 20, by striking the word “eighty-five” and inserting in lieu thereof, the following: “one hundred”; and further amend said bill and section, page 12, line 3, by striking the word “eighty-five” and inserting in lieu thereof, the following “one hundred”.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 2, Section A, Line 10, by inserting immediately after said line the following:

“84.830. 1. [No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board.] No officer, agent, or employee of the police department of such cities shall permit **or perform** any [such] solicitation **of any assessment, contribution, or payment for any political purpose** in any building or room occupied for the discharge of the official duties of the said department. [No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or any money or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatever.

2.] No officer or employee of said department shall promote, remove, or reduce any other official or employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose or club, or for refusal to render any political service, and shall not directly or indirectly attempt to coerce, command, or advise any other officer or employee to make any such contribution or render any such service. No officer or employee in the service of said department or member of the police board shall use his official authority or influence for the purpose of interfering with any election or any nomination for office, or affecting the result thereof. No officer or employee of such department shall [be a member or official of any committee of any political party, or be a ward committeeman or committeewoman, nor shall any such] **hold a partisan political office. No** officer or employee **shall** solicit any person to vote for or against any candidate for public office, or “poll precincts” or be connected with other political work of similar character on behalf of any political organization, party, or candidate **while on duty, in uniform, or wearing any clothing or accessory with symbols, insignias, or words indicating his or her employment with the police department.** All such persons shall, however, retain the right to vote as they may choose and to express their opinions on all political subjects and

candidates.

[3.] **2.** No person or officer or employee of said department shall affix any sign, bumper sticker or other device to any property or vehicle under the control of said department which either supports or opposes any ballot measure or political candidate.

[4.] **3.** No question in any examination shall relate to political or religious opinions or affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or removal shall be affected by such opinions or affiliations.

[5.] **4.** No person shall make false statement, certification, mark, rating, or report with regard to any tests, certificate, or appointment made under any provision of sections 84.350 to 84.860 or in any manner commit or attempt to commit any fraud preventing the impartial execution of this section or any provision thereof.

[6.] **5.** No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion to, or any advancement in, a position in the service of the police departments of such cities.

[7.] **6.** No person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, appointment or promotion under sections 84.350 to 84.860, or furnish to any person any such secret information for the purpose of affecting the right or prospects of any person with respect to employment in the police departments of such cities.

[8.] **7.** Any officer or any employee of the police department of such cities who shall be found by the board to have violated any of the provisions of this section shall be discharged forthwith from said service. It shall be the duty of the chief of police to prefer charges against any such offending person at once. Any member of the board or of the common council of such cities may bring suit to restrain payment of compensation to any such offending officer or employee and, as an additional remedy, any such member of the board or of the common council of such cities may also apply to the circuit court for a writ of mandamus to compel the dismissal of such offending officer or employee. Officers or employees discharged by such mandamus shall have no right of review before the police board. Any person dismissed or convicted under this section shall, for a period of five years, be ineligible for appointment to any position in the service of the police department of such cities or the municipal government of such cities. Any persons who shall willfully or through culpable negligence violate any of the provisions of this section may, upon conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment for a time not exceeding six months, or by both such fine and imprisonment.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 12, Section 558.012, Line 7, by inserting immediately after all of said line the following:

“561.021. 1. A person holding any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof, who is convicted of a crime shall, upon sentencing, forfeit such office if:

(1) He is convicted under the laws of this state of a felony or under the laws of another jurisdiction of a crime which, if committed within this state, would be a felony, or he pleads guilty or nolo contendere of such a crime; or

(2) He is convicted of or pleads guilty or nolo contendere to a crime involving misconduct in office, or dishonesty; or

(3) The constitution or a statute other than the code so provides.

2. [Except as provided in subsection 3 of this section,] A person who pleads guilty or nolo contendere or is convicted under the laws of this state of a felony or under the laws of another jurisdiction of a crime which, if committed within this state, would be a felony, shall be ineligible to **qualify as a candidate for or** hold any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof[, until the completion of his sentence or period of probation].

[3. A person who pleads guilty or nolo contendere or is convicted under the laws of this state or under the laws of another jurisdiction of a felony connected with the exercise of the right of suffrage shall be forever disqualified from holding any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof.]; and

Further amend said bill, page 45, section 590.701, line 14 by inserting after all of said line the following:

“[115.350. No person shall qualify as a candidate for elective public office in the state of Missouri who has been convicted of or found guilty of or pled guilty to a felony under the laws of this state.]; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Pages 11-12, Section 558.012, by striking said section in its entirety; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Rupp offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 45, Section 590.701, Line 14 of said page, by inserting after all of said line the following:

“595.010. 1. As used in sections 595.010 to 595.075, unless the context requires otherwise, the following terms shall mean:

(1) “Child”, a dependent, unmarried person who is under eighteen years of age and includes a posthumous child, stepchild, or an adopted child;

(2) “Claimant”, a victim or a dependent, relative, survivor, or member of the family, of a victim eligible for compensation pursuant to sections 595.010 to 595.075;

(3) “Conservator”, a person or corporation appointed by a court to have the care and custody of the estate of a minor or a disabled person, including a limited conservator;

(4) “Counseling”, problem-solving and support concerning emotional issues that result from criminal victimization licensed pursuant to section 595.030. Counseling is a confidential service provided either on an individual basis or in a group. Counseling has as a primary purpose to enhance, protect and restore a person's sense of well-being and social functioning after victimization. Counseling does not include victim advocacy services such as crisis telephone counseling, attendance at medical procedures, law enforcement interviews or criminal justice proceedings;

(5) “Crime”, an act committed in this state which, if committed by a mentally competent, criminally responsible person who had no legal exemption or defense, would constitute a crime; provided that, such act involves the application of force or violence or the threat of force or violence by the offender upon the victim but shall include the crime of driving while intoxicated, vehicular manslaughter and hit and run; and provided, further, that no act involving the operation of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit and run which results in injury to another shall constitute a crime for the purpose of sections 595.010 to 595.075, unless such injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. section 2331, which has been committed outside of the United States against a resident of Missouri;

(6) “Crisis intervention counseling”, helping to reduce psychological trauma where victimization occurs;

(7) “Department”, the department of public safety;

(8) “Dependent”, mother, father, spouse, spouse's mother, spouse's father, child, grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially dependent for support upon, and living with, but shall include children entitled to child support but not living with, the victim at the time of his injury or death due to a crime alleged in a claim pursuant to sections 595.010 to [595.070] **595.075**;

(9) “Direct service”, providing physical services to a victim of crime including, but not limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter, notification and information;

(10) “Director”, the director of public safety of this state or a person designated by him for the purposes of sections 595.010 to [595.070] **595.075**;

(11) “Disabled person”, one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks ability to manage his financial resources, including a partially disabled person who lacks the ability, in part, to manage his financial resources;

(12) [“Division”, the division of workers' compensation of the state of Missouri;

(13)] “Emergency service”, those services provided within thirty days to alleviate the immediate effects of the criminal act or offense, and may include cash grants of not more than one hundred dollars;

[(14)] **(13)** “Earnings”, net income or net wages;

[(15)] **(14)** “Family”, the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half brother, half sister, adopted children of parent, or spouse's parents;

[(16)] **(15)** “Funeral expenses”, the expenses of the funeral, burial, cremation or other chosen method of interment, including plot or tomb and other necessary incidents to the disposition of the remains;

[(17)] **(16)** “Gainful employment”, engaging on a regular and continuous basis, up to the date of the incident upon which the claim is based, in a lawful activity from which a person derives a livelihood;

[(18)] **(17)** “Guardian”, one appointed by a court to have the care and custody of the person of a minor or of an incapacitated person, including a limited guardian;

[(19)] **(18)** “Hit and run”, the crime of leaving the scene of a motor vehicle accident as defined in section 577.060, RSMo;

[(20)] **(19)** “Incapacitated person”, one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that he lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur, including a partially incapacitated person who lacks the capacity to meet, in part, such essential requirements;

[(21)] **(20)** “Injured victim”, a person:

(a) Killed or receiving a personal physical injury in this state as a result of another person's commission of or attempt to commit any crime;

(b) Killed or receiving a personal physical injury in this state while in a good faith attempt to assist a person against whom a crime is being perpetrated or attempted;

(c) Killed or receiving a personal physical injury in this state while assisting a law enforcement officer in the apprehension of a person who the officer has reason to believe has perpetrated or attempted a crime;

[(22)] **(21)** “Law enforcement official”, a sheriff and his regular deputies, municipal police officer or member of the Missouri state highway patrol and such other persons as may be designated by law as peace officers;

[(23)] **(22)** “Offender”, a person who commits a crime;

[(24)] **(23)** “Personal physical injury”, actual bodily harm only with respect to the victim. Personal physical injury may include mental or nervous shock resulting from the specific incident upon which the claim is based;

[(25)] **(24)** “Private agency”, a not-for-profit corporation, in good standing in this state, which provides services to victims of crime and their dependents;

[(26)] **(25)** “Public agency”, a part of any local or state government organization which provides services to victims of crime;

[(27)] **(26)** “Relative”, the spouse of the victim or a person related to the victim within the third degree of consanguinity or affinity as calculated according to civil law;

[(28)] **(27)** “Survivor”, the spouse, parent, legal guardian, grandparent, sibling or child of the deceased victim of the victim's household at the time of the crime;

[(29)] **(28)** “Victim”, a person who suffers personal physical injury or death as a direct result of a crime, as defined in subdivision (5) of this subsection;

[(30)] **(29)** “Victim advocacy”, assisting the victim of a crime and his dependents to acquire services from existing community resources.

2. As used in sections 565.024 and 565.060, RSMo, and sections 595.010 to 595.075, the term

“alcohol-related traffic offense” means those offenses defined by sections 577.001, 577.010, and 577.012, RSMo, and any county or municipal ordinance which prohibits operation of a motor vehicle while under the influence of alcohol.

595.015. 1. The [division of workers' compensation] **department of public safety** shall, pursuant to the provisions of sections 595.010 to 595.075, have jurisdiction to determine and award compensation to, or on behalf of, victims of crimes. **In making such determinations and awards, the department shall ensure the compensation sought is reasonable and consistent with the limitations described in sections 595.010 to 95.075. Additionally, if compensation being sought includes medical expenses, the department shall further ensure that such expenses are medically necessary.** The [division of workers' compensation] **department of public safety** may pay directly to the provider of the services compensation for medical or funeral expenses, or expenses for other services as described in section 595.030, incurred by the claimant. The [division] **department** is not required to provide compensation in any case, nor is it required to award the full amount claimed. The [division] **department** shall make its award of compensation based upon independent verification obtained during its investigation.

2. Such claims shall be made by filing an application for compensation with the [division of workers' compensation] **department of public safety**. The application form shall be furnished by the [division] **department** and the signature shall be notarized. The application shall include:

- (1) The name and address of the victim;
- (2) If the claimant is not the victim, the name and address of the claimant and relationship to the victim, the names and addresses of the victim's dependents, if any, and the extent to which each is so dependent;
- (3) The date and nature of the crime or attempted crime on which the application for compensation is based;
- (4) The date and place where, and the law enforcement officials to whom, notification of the crime was given;
- (5) The nature and extent of the injuries sustained by the victim, the names and addresses of those giving medical and hospital treatment to the victim and whether death resulted;
- (6) The loss to the claimant or a dependent resulting from the injury or death;
- (7) The amount of benefits, payments or awards, if any, payable from any source which the claimant or dependent has received or for which the claimant or dependent is eligible as a result of the injury or death;
- (8) Releases authorizing the surrender to the [division] **department** of reports, documents and other information relating to the matters specified under this section; and
- (9) Such other information as the [division] **department** determines is necessary.

3. In addition to the application, the [division] **department** may require that the claimant submit materials substantiating the facts stated in the application.

4. If the [division] **department** finds that an application does not contain the required information or that the facts stated therein have not been substantiated, it shall notify the claimant in writing of the specific additional items of information or materials required and that the claimant has thirty days from the date of mailing in which to furnish those items to the [division] **department**. Unless a claimant requests and is granted an extension of time by the [division] **department**, the [division] **department** shall reject with

prejudice the claim of the claimant for failure to file the additional information or materials within the specified time.

5. The claimant may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the [division] **department** has completed its consideration of the original application.

6. The claimant, victim or dependent shall cooperate with law enforcement officials in the apprehension and prosecution of the offender in order to be eligible, or the [division] **department** has found that the failure to cooperate was for good cause.

7. Any state or local agency, including a prosecuting attorney or law enforcement agency, shall make available without cost to the fund, all reports, files and other appropriate information which the [division] **department** requests in order to make a determination that a claimant is eligible for an award pursuant to sections 595.010 to 595.075.

595.020. 1. Except as hereinafter provided, the following persons shall be eligible for compensation pursuant to sections 595.010 to 595.075:

(1) A victim of a crime;

(2) In the case of a sexual assault victim:

(a) A relative of the victim requiring counseling in order to better assist the victim in his recovery; and

(3) In the case of the death of the victim as a direct result of the crime:

(a) A dependent of the victim;

(b) Any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof; and

(c) A survivor of the victim requiring counseling as a direct result of the death of the victim.

2. An offender or an accomplice of an offender shall in no case be eligible to receive compensation with respect to a crime committed by the offender. No victim or dependent shall be denied compensation solely because he is a relative of the offender or was living with the offender as a family or household member at the time of the injury or death. However, the [division] **department** may award compensation to a victim or dependent who is a relative, family or household member of the offender only if the [division] **department** can reasonably determine the offender will receive no substantial economic benefit or unjust enrichment from the compensation.

3. No compensation of any kind may be made to a victim or intervenor injured while confined in any federal, state, county, or municipal jail, prison or other correctional facility, including house arrest **or electronic monitoring**.

4. No compensation of any kind may be made to a victim who has been finally adjudicated and found guilty, in a criminal prosecution under the laws of this state, of two felonies within the past ten years, of which one or both involves illegal drugs or violence. The [division] **department** may waive this restriction if it determines that the interest of justice would be served otherwise.

5. In the case of a claimant who is not otherwise ineligible pursuant to subsection 4 of this section, who is incarcerated as a result of a conviction of a crime not related to the incident upon which the claim is based at the time of application, or at any time following the filing of the application:



(1) The [division] **department** shall suspend all proceedings and payments until such time as the claimant is released from incarceration;

(2) The [division] **department** shall notify the applicant at the time the proceedings are suspended of the right to reactivate the claim within six months of release from incarceration. The notice shall be deemed sufficient if mailed to the applicant at the applicant's last known address;

(3) The claimant shall file an application to request that the case be reactivated not later than six months after the date the claimant is released from incarceration. Failure to file such request within the six-month period shall serve as a bar to any recovery.

6. Victims of crime who are not residents of the state of Missouri may be compensated only when federal funds are available for that purpose. Compensation for nonresident victims shall terminate when federal funds for that purpose are no longer available.

7. A Missouri resident who suffers personal physical injury or, in the case of death, a dependent of the victim or any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof, in another state, possession or territory of the United States may make application for compensation in Missouri if:

(1) The victim of the crime would be compensated if the crime had occurred in the state of Missouri;

(2) The place that the crime occurred is a state, possession or territory of the United States, or location outside of the United States that is covered and defined in 18 U.S.C. section 2331, that does not have a crime victims' compensation program for which the victim is eligible and which provides at least the same compensation that the victim would have received if he had been injured in Missouri.

595.025. 1. A claim for compensation may be filed by a person eligible for compensation or, if the person is an incapacitated or disabled person, or a minor, by the person's spouse, parent, conservator, or guardian.

2. A claim shall be filed not later than two years after the occurrence of the crime or the discovery of the crime upon which it is based.

3. Each claim shall be filed in person or by mail. The [division of workers' compensation] **department of public safety** shall investigate such claim, prior to the opening of formal proceedings. The claimant shall be notified of the date and time of any hearing on such claim. In determining the amount of compensation for which a claimant is eligible, the [division] **department** shall consider the facts stated on the application filed pursuant to section 595.015, and:

(1) Need not consider whether or not the alleged assailant has been apprehended or brought to trial or the result of any criminal proceedings against that person; however, if any person is convicted of the crime which is the basis for an application for compensation, proof of the conviction shall be conclusive evidence that the crime was committed;

(2) Shall determine the amount of the loss to the claimant, or the victim's survivors or dependents;

(3) Shall determine the degree or extent to which the victim's acts or conduct provoked, incited, or contributed to the injuries or death of the victim.

4. The claimant may present evidence and testimony on his own behalf or may retain counsel. The [division of workers' compensation] **department of public safety** may, as part of any award entered under sections 595.010 to 595.075, determine and allow reasonable attorney's fees, which shall not exceed fifteen

percent of the amount awarded as compensation under sections 595.010 to 595.075, which fee shall be paid out of, but not in addition to, the amount of compensation, to the attorney representing the claimant. No attorney for the claimant shall ask for, contract for or receive any larger sum than the amount so allowed.

5. The person filing a claim shall, prior to any hearing thereon, submit reports, if available, from all hospitals, physicians or surgeons who treated or examined the victim for the injury for which compensation is sought. If, in the opinion of the [division of workers' compensation] **department of public safety**, an examination of the injured victim and a report thereon, or a report on the cause of death of the victim, would be of material aid, the [division of workers' compensation] **department of public safety** may appoint a duly qualified, impartial physician to make such examination and report.

6. Each and every payment shall be exempt from attachment, garnishment or any other remedy available to creditors for the collection of a debt.

7. Payments of compensation shall not be made directly to any person legally incompetent to receive them but shall be made to the parent, guardian or conservator for the benefit of such minor, disabled or incapacitated person.

595.027. 1. Upon request by the [division] **department** for verification of injuries of victims, medical providers shall submit the information requested by the [division] **department** within twenty working days of the request at no cost to the fund.

2. For purposes of this section, “medical providers” means physicians, **pharmacists**, dentists, clinical psychologists, optometrists, podiatrists, registered nurses, physician's assistants, chiropractors, physical therapists, hospitals, **pharmacies**, ambulatory surgical centers, and nursing homes.

3. Failure to submit the information as required by this section shall be an infraction.

595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. “Out-of-pocket loss” shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred:

(1) For medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars; or

(2) As a result of personal property being seized in an investigation by law enforcement. Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to the loss sustained, but shall not exceed two hundred fifty dollars.

2. No compensation shall be paid unless the [division of workers' compensation] **department of public safety** finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the [division of workers' compensation] **department of public safety** finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the division of family services personnel; or by any other member of the victim's family. In the case of a sexual offense, filing a report of the offense

to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section [191.225, RSMo] **595.220**, with the prosecuting attorney of the county in which the alleged incident occurred.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334, RSMo, or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

(4) Professional counselor licensed pursuant to chapter 337, RSMo.

5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed two hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the [division of workers' compensation] **department of public safety** among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation pursuant to sections 595.010 to 595.075 shall be determined by the [division] **department**.

595.035. 1. For the purpose of determining the amount of compensation payable pursuant to sections 595.010 to 595.075, the [division of workers' compensation] **department of public safety** shall, insofar as practicable, formulate standards for the uniform application of sections 595.010 to 595.075, taking into consideration the provisions of sections 595.010 to 595.075, the rates and amounts of compensation payable for injuries and death pursuant to other laws of this state and of the United States, excluding pain and suffering, and the availability of funds appropriated for the purpose of sections 595.010 to 595.075. All decisions of the [division of workers' compensation] **department of public safety** on claims [heard] pursuant to sections 595.010 to 595.075 shall be in writing, setting forth the name of the claimant, the amount of compensation and the reasons for the decision. The [division of workers' compensation] **department of public safety** shall immediately notify the claimant in writing of the decision and shall forward to the state treasurer a certified copy of the decision and a warrant for the amount of the claim. The state treasurer, upon certification by the commissioner of administration, shall, if there are sufficient funds in the crime victims' compensation fund, pay to or on behalf of the claimant the amount determined by the [division] **department**.

2. The crime victims' compensation fund is not a state health program and is not intended to be used as a primary payor to other health care assistance programs, but is a public, quasi-charitable fund whose fundamental purpose is to assist victims of violent crimes through a period of financial hardship, as a payor of last resort. Accordingly, any compensation paid pursuant to sections 595.010 to 595.075 shall be reduced by the amount of any payments, benefits or awards received or to be received as a result of the injury or death:

(1) From or on behalf of the offender;

(2) Under private or public insurance programs, including champus, Medicare, Medicaid and other state or federal programs, but not including any life insurance proceeds; or

(3) From any other public or private funds, including an award payable pursuant to the workers' compensation laws of this state.

3. In determining the amount of compensation payable, the [division of workers' compensation] **department of public safety** shall determine whether, because of the victim's consent, provocation, incitement or negligence, the victim contributed to the infliction of the victim's injury or death, and shall reduce the amount of the compensation or deny the claim altogether, in accordance with such determination; provided, however, that the [division of workers' compensation] **department of public safety** may disregard the responsibility of the victim for his or her own injury where such responsibility was attributable to efforts by the victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his or her presence, or to apprehend a person who had committed a crime in his or her presence or had in fact committed a felony.

4. In determining the amount of compensation payable pursuant to sections 595.010 to [595.070] **595.075**, monthly Social Security disability or retirement benefits received by the victim shall not be considered by the [division] **department** as a factor for reduction of benefits.

5. The [division] **department** shall not be liable for payment of compensation for any out-of-pocket expenses incurred more than three years following the date of the occurrence of the crime upon which the claim is based.

595.037. 1. All information submitted to the **department or division of workers' compensation** and any hearing of the division **of workers' compensation** on a claim filed pursuant to sections 595.010 to [595.070] **595.075** shall be open to the public except for the following claims which shall be deemed closed and confidential:

(1) A claim in which the alleged assailant has not been brought to trial and disclosure of the information or a public hearing would adversely affect either the apprehension, or the trial, of the alleged assailant;

(2) A claim in which the offense allegedly perpetrated against the victim is rape, sodomy or sexual abuse and it is determined by the **department or division of workers' compensation** to be in the best interest of the victim or of the victim's dependents that the information be kept confidential or that the public be excluded from the hearing;

(3) A claim in which the victim or alleged assailant is a minor; or

(4) A claim in which any record or report obtained by the **department or division of workers' compensation**, the confidentiality of which is protected by any other law, shall remain confidential subject to such law.

2. The **department and division of workers' compensation**, by separate order, may close any record, report or hearing if it determines that the interest of justice would be frustrated rather than furthered if such record or report was disclosed or if the hearing was open to the public.

595.040. 1. Acceptance of any compensation under sections 595.010 to 595.075 shall subrogate this state, to the extent of such compensation paid, to any right or right of action accruing to the claimant or to the victim to recover payments on account of losses resulting from the crime with respect to which the compensation has been paid. The attorney general may enforce the subrogation, and he shall bring suit to recover from any person to whom compensation is paid, to the extent of the compensation actually paid under sections 595.010 to 595.075, any amount received by the claimant from any source exceeding the actual loss to the victim.

2. The [division] **department** shall have a lien on any compensation received by the claimant, in addition to compensation received under provisions of sections 595.010 to 595.075, for injuries or death resulting from the incident upon which the claim is based. The claimant shall retain, as trustee for the [division] **department**, so much of the recovered funds as necessary to reimburse the Missouri crime victims' compensation fund to the extent that compensation was awarded to the claimant from that fund.

3. If a claimant initiates any legal proceeding to recover restitution or damages related to the crime upon which the claim is based, or if the claimant enters into negotiations to receive any proceeds in settlement of a claim for restitution or damages related to the crime, the claimant shall give the [division] **department** written notice within fifteen days of the filing of the action or entering into negotiations. The [division] **department** may intervene in the proceeding of a complainant to recover the compensation awarded. If a claimant fails to give such written notice to the [division] **department** within the stated time period, or prior to any attempt by claimant to reach a negotiated settlement of claims for recovery of damages related to the crime upon which the claim is based, the [division's] **department's** right of subrogation to receive or recover funds from claimant, to the extent that compensation was awarded by the [division] **department**, shall not be reduced in any amount or percentage by the costs incurred by claimant attributable to such legal proceedings or settlement, including, but not limited to, attorney's fees, investigative cost or cost of court. If such notice is given, attorney fees may be awarded in an amount not to exceed fifteen percent of the amount subrogated to the [division] **department**.

4. Whenever compensation is awarded to a claimant who is entitled to restitution from a criminal defendant, the [division] **department** may initiate restitution hearings in such criminal proceedings or intervene in the same. The [division] **department** shall be entitled to receive restitution in such proceedings to the extent compensation was awarded; provided, however, the [division] **department** shall be exempt from the payment of any fees or other charges for the recording of restitution orders in the offices of the judges of probate. The claimant shall notify this [division] **department** when restitution is ordered. Failure to notify the [division] **department** will result in possible forfeiture of any amount already received from the [division] **department**.

5. Whenever the [division] **department** shall deem it necessary to protect, maintain or enforce the [division's] **department's** right to subrogation or to exercise any of its powers or to carry out any of its duties or responsibilities, the attorney general may initiate legal proceedings or intervene in legal proceedings as the [division's] **department's** legal representative.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court proceeding filed in any

court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, RSMo, and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health and senior services. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

4. The remaining funds collected under subsection 1 of this section shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on September 1, 2004, and on the first of each month, the director of revenue or the director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100.

5. The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the [division of workers' compensation and the] department of public safety[, respectively].

6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on September 1, 2004, and on the first of each month the director of revenue or the

director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100.

7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C or D felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in chapter 252, RSMo, relating to fish and game, chapter 302, RSMo, relating to drivers' and commercial drivers' license, chapter 303, RSMo, relating to motor vehicle financial responsibility, chapter 304, RSMo, relating to traffic regulations, chapter 306, RSMo, relating to watercraft regulation and licensing, and chapter 307, RSMo, relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

9. The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

10. The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection 16 of this section and shall maintain separate records of collection for alcohol-related offenses.

11. The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

12. All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award

shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

13. When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

14. All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

15. Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

16. [Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines] **The department may receive gifts and contributions for the benefit of crime victims. Such gifts and contributions shall be credited to the crime victims' compensation fund as used solely for compensating victims under the provisions of sections 595.010 to 595.075.**

595.060. The director shall promulgate rules and regulations necessary to implement the provisions of sections 595.010 to [595.070] **595.220** as provided in this section and chapter 536, RSMo. In the performance of its functions under [sections 595.010 to 595.070] **section 595.036**, the division of **workers' compensation** is authorized to promulgate rules pursuant to chapter 536, RSMo, prescribing the procedures to be followed in the [filing of applications and the] proceedings under [sections 595.010 to 595.070] **section 595.036**. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

**595.220. 1. The department of public safety shall make payments to appropriate medical providers, out of appropriations made for that purpose, to cover the reasonable and medically necessary charges of the forensic examination of persons who may be a victim of a sexual offense if:**

- (1) The victim or the victim's guardian consents in writing to the examination; and**
- (2) The report of the examination is made on a form approved by the attorney general with the**



advice of the department of public safety.

2. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The appropriate medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.

3. The attorney general, with the advice of the department of public safety, shall develop the forms and procedures for gathering evidence during the forensic examination under the provisions of this section. The department of health and senior services shall develop a checklist, protocols, and procedures for appropriate medical providers to refer to while providing medical treatment to victims of a sexual offense, including those specific to victims who are minors.

4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim, perform a forensic examination using the evidentiary collection kit, or other collection procedures developed for victims who are minors, and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense.

5. In reviewing claims submitted under this section, the department shall first determine if the claim was submitted within ninety days of the examination. If the claim is submitted within ninety days, the department shall, at a minimum, use the following criteria in reviewing the claim:

(1) The alleged sexual offense occurred in Missouri;

(2) Examination charges submitted shall be itemized and fall within the definition of “forensic examination” as defined in subdivision (3) of subsection 7 of this section.

6. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety. No appropriate medical provider conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims' compensation fund, the appropriate medical provider shall seek compensation under sections 595.010 to 595.075.

7. For purposes of this section, the following terms mean:

(1) “Appropriate medical provider”, any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants, provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section;

(2) “Evidentiary collection kit”, a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the attorney general for forensic examinations;

**(3) “Forensic examination”, an examination performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit or using other collection procedures developed for victims who are minors;**

**(4) “Medical treatment”, the treatment of all injuries and health concerns resulting directly from a patient's sexual assault or victimization.**

**8. The department shall have authority to promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

[191.225. 1. The department of health and senior services shall make payments to appropriate medical providers, out of appropriations made for that purpose, to cover the charges of the forensic examination of persons who may be a victim of a sexual offense if:

(1) The victim or the victim's guardian consents in writing to the examination;

(2) The report of the examination is made on a form approved by the attorney general with the advice of the department of health and senior services; and

(3) The report of the examination is filed with the prosecuting attorney of the county in which the alleged incident occurred.

The appropriate medical provider shall file the report of the examination within three business days of completion of the forensic exam.

2. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The appropriate medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.

3. The attorney general, with the advice of the department of health and senior services, shall develop the forms and procedures for gathering evidence during the forensic examination under the provisions of this section. The department of health and senior services shall develop a checklist for appropriate medical providers to refer to while providing medical treatment to victims of a sexual offense.

4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim, perform a forensic examination using the evidentiary collection kit and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense.

5. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of health and senior services. No appropriate medical provider conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims' compensation fund, the appropriate medical provider shall seek compensation under sections 595.010 to 595.075, RSMo.

6. For purposes of this section, the following terms mean:

(1) "Appropriate medical provider", any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants; provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section;

(2) "Evidentiary collection kit", a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the attorney general for forensic examinations;

(3) "Forensic examination", an examination performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit;

(4) "Medical treatment", the treatment of all injuries and health concerns resulting directly from a patient's sexual assault or victimization.]; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Engler assumed the Chair.

Senator Crowell offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 3, Section 174.700, Line 21 of said page, by inserting after all of said line the following:

"195.017. 1. The department of health and senior services shall place a substance in Schedule I if it finds that the substance:

(1) Has high potential for abuse; and

(2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

2. Schedule I:

(1) The controlled substances listed in this subsection are included in Schedule I;

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(a) Acetyl-alpha-methylfentanyl;

- (b) Acetylmethadol;
- (c) Allylprodine;
- (d) Alphacetylmethadol;
- (e) Alphameprodine;
- (f) Alphamethadol;
- (g) Alpha-methylfentanyl;
- (h) Alpha-methylthiofentanyl;
- (i) Benzethidine;
- (j) Betacetylmethadol;
- (k) Beta-hydroxyfentanyl;
- (l) Beta-hydroxy-3-methylfentanyl;
- (m) Betameprodine;
- (n) Betamethadol;
- (o) Betaprodine;
- (p) Clonitazene;
- (q) Dextromoramide;
- (r) Diampromide;
- (s) Diethylthiambutene;
- (t) Difenoxin;
- (u) Dimenoxadol;
- (v) Dimepheptanol;
- (w) Dimethylthiambutene;
- (x) Dioxaphetyl butyrate;
- (y) Dipipanone;
- (z) Ethylmethylthiambutene;
- (aa) Etonitazene;
- (bb) Etoxeridine;
- (cc) Furethidine;
- (dd) Hydroxypethidine;
- (ee) Ketobemidone;
- (ff) Levomoramide;
- (gg) Levophenacymorphan;

- (hh) 3-Methylfentanyl;
- (ii) 3-Methylthiofentanyl;
- (jj) Morpheridine;
- (kk) MPPP;
- (ll) Noracymethadol;
- (mm) Norlevorphanol;
- (nn) Normethadone;
- (oo) Norpipanone;
- (pp) Para-fluorofentanyl;
- (qq) PEPAP;
- (rr) Phenadoxone;
- (ss) Phenampromide;
- (tt) Phenomorphan;
- (uu) Phenoperidine;
- (vv) Piritramide;
- (ww) Proheptazine;
- (xx) Properidine;
- (yy) Propiram;
- (zz) Racemoramide;
- (aaa) Thiofentanyl;
- (bbb) Tilidine;
- (ccc) Trimeperidine;

(3) Any of the following opium derivatives, their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (a) Acetorphine;
- (b) Acetyldihydrocodeine;
- (c) Benzylmorphine;
- (d) Codeine methylbromide;
- (e) Codeine-N-Oxide;
- (f) Cyprenorphine;
- (g) Desomorphine;
- (h) Dihydromorphine;

- (i) Drotebanol;
- (j) Etorphine (except hydrochloride salt);
- (k) Heroin;
- (l) Hydromorphenol;
- (m) Methyldesorphine;
- (n) Methyldihydromorphine;
- (o) Morphine methylbromide;
- (p) Morphine methylsulfonate;
- (q) Morphine-N-Oxide;
- (r) Myrophine;
- (s) Nicocodeine;
- (t) Nicomorphine;
- (u) Normorphine;
- (v) Pholcodine;
- (w) Thebacon;

(4) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) 4-bromo-2, 5-dimethoxyamphetamine;
- (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- (c) 2,5-dimethoxyamphetamine;
- (d) 2,5-dimethoxy-4-ethylamphetamine;
- (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- (f) 4-methoxyamphetamine;
- (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- (h) 4-methyl-2, 5-dimethoxyamphetamine;
- (i) 3,4-methylenedioxyamphetamine;
- (j) 3,4-methylenedioxymethamphetamine;
- (k) 3,4-methylenedioxy-N-ethylamphetamine;
- (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
- (m) 3,4,5-trimethoxyamphetamine;
- (n) Alpha-ethyltryptamine;

- (o) Alpha-methyltryptamine;
- (p) Bufotenine;
- (q) Diethyltryptamine;
- (r) Dimethyltryptamine;
- (s) 5-methoxy-N,N-diisopropyltryptamine;
- (t) Ibogaine;
- (u) Lysergic acid diethylamide;
- (v) Marijuana or marihuana;
- (w) Mescaline;
- (x) Parahexyl;

(y) Peyote, to include all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts;

- (z) N-ethyl-3-piperidyl benzilate;
- (aa) N-methyl-3-piperidyl benzilate;
- (bb) Psilocybin;
- (cc) Psilocyn;

(dd) Tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

- a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- d. Any compounds of these structures, regardless of numerical designation of atomic positions covered;
- (ee) Ethylamine analog of phencyclidine;
- (ff) Pyrrolidine analog of phencyclidine;
- (gg) Thiophene analog of phencyclidine;
- (hh) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- (ii) *Salvia divinorum*;
- (jj) Salvinorin A;

(5) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical

designation:

(a) Gamma-hydroxybutyric acid;

(b) Mecloqualone;

(c) Methaqualone;

(6) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Aminorex;

(b) N-benzylpiperazine;

(c) Cathinone;

(d) Fenethylline;

(e) Methcathinone;

(f) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline);

(g) N-ethylamphetamine;

(h) N,N-dimethylamphetamine;

(7) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:

(a) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers;

(b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers;

(8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.

3. The department of health and senior services shall place a substance in Schedule II if it finds that:

(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physical dependence.

4. The controlled substances listed in this subsection are included in Schedule II:

(1) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts but including the following:



- a. Raw opium;
- b. Opium extracts;
- c. Opium fluid;
- d. Powdered opium;
- e. Granulated opium;
- f. Tincture of opium;
- g. Codeine;
- h. Ethylmorphine;
- i. Etorphine hydrochloride;
- j. Hydrocodone;
- k. Hydromorphone;
- l. Metopon;
- m. Morphine;
- n. Oxycodone;
- o. Oxymorphone;
- p. Thebaine;

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextropropoxyphene and levopropoxyphene excepted:

- (a) Alfentanil;
- (b) Alphaprodine;
- (c) Anileridine;
- (d) Bezitramide;
- (e) Bulk dextropropoxyphene;

- (f) Carfentanil;
- (g) Butyl nitrite;
- (h) Dihydrocodeine;
- (i) Diphenoxylate;
- (j) Fentanyl;
- (k) Isomethadone;
- (l) Levo-alphacetylmethadol;
- (m) Levomethorphan;
- (n) Levorphanol;
- (o) Metazocine;
- (p) Methadone;
- (q) Meperidine;
- (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic acid;
- (t) Pethidine (meperidine);
- (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (x) Phenazocine;
- (y) Piminodine;
- (z) Racemethorphan;
- (aa) Racemorphan;
- (bb) Remifentanyl;
- (cc) Sufentanyl;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- (d) Phenmetrazine and its salts;
- (e) Methylphenidate;

(4) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts

of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Amobarbital;
- (b) Glutethimide;
- (c) Pentobarbital;
- (d) Phencyclidine;
- (e) Secobarbital;
- (5) Any material or compound which contains any quantity of nabilone;

(6) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

- (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- (b) Immediate precursors to phencyclidine (PCP):
  - a. 1-phenylcyclohexylamine;
  - b. 1-piperidinocyclohexanecarbonitrile (PCC).

5. The department of health and senior services shall place a substance in Schedule III if it finds that:

- (1) The substance has a potential for abuse less than the substances listed in Schedules I and II;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

6. The controlled substances listed in this subsection are included in Schedule III:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (a) Benzphetamine;
- (b) Chlorphentermine;
- (c) Clortermine;
- (d) Phendimetrazine;

(2) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances or salts having a depressant effect on the central nervous system:

(a) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances combined with one or more active medicinal ingredients:

- a. Amobarbital;
- b. Secobarbital;
- c. Pentobarbital;

(b) Any suppository dosage form containing any quantity or salt of the following:

a. Amobarbital;

b. Secobarbital;

c. Pentobarbital;

(c) Any substance which contains any quantity of a derivative of barbituric acid or its salt;

(d) Chlorhexadol;

(e) Embutramide;

(f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under Section 505 of the federal Food, Drug, and Cosmetic Act;

(g) Ketamine, its salts, isomers, and salts of isomers;

(h) Lysergic acid;

(i) Lysergic acid amide;

(j) Methypylon;

(k) Sulfondiethylmethane;

(l) Sulfonethylmethane;

(m) Sulfonmethane;

(n) Tiletamine and zolazepam or any salt thereof;

(3) Nalorphine;

(4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts:

(a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more active nonnarcotic

ingredients in recognized therapeutic amounts;

(h) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;

(6) Anabolic steroids. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, esters and ethers:

- (a) 3 $\beta$ ,17-dihydroxy-5 $\alpha$ -androstane;
- (b) 3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane;
- (c) 5 $\alpha$ -androstane-3,17-dione;
- (d) 1-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
- (e) 1-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
- (f) 4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-4-ene);
- (g) 5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-5-ene);
- (h) 1-androstenedione ([5 $\alpha$ ]-androst-1-en-3,17-dione);
- (i) 4-androstenedione (androst-4-en-3,17-dione);
- (j) 5-androstenedione (androst-5-en-3,17-dione);
- (k) Bolasterone (7 $\alpha$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (l) Boldenone (17 $\beta$ -hydroxyandrost-1,4,-diene-3-one);
- (m) Calusterone (7 $\beta$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (n) Clostebol (4-chloro-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (o) Dehydrochloromethyltestosterone (4-chloro-17 $\beta$ -hydroxy-17 $\alpha$ -methyl-androst-1,4-dien-3-one);
- (p) ?1-dihydrotestosterone (a.k.a. '1-testosterone')(17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);
- (q) 4-dihydrotestosterone (17 $\beta$ -hydroxy-androstan-3-one);
- (r) Drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl-5 $\alpha$ -androstan-3-one);
- (s) Ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-ene);
- (t) Fluoxymesterone (9-fluoro-17 $\alpha$ -methyl-11 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-en-3-one);
- (u) Formebolone (2-formyl-17 $\alpha$ -methyl-11 $\alpha$ ,17 $\beta$ -dihydroxyandrost-1,4-dien-3-one);

- (v) Furazabol (17a-methyl-17 $\beta$ -hydroxyandrostano[2,3-c]-furan);
- (w) 13 $\beta$ -ethyl-17 $\beta$ -hydroxygon-4-en-3-one;
- (x) 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androst-4-en-3-one);
- (y) 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one);
- (z) Mestanolone (17a-methyl-17 $\beta$ -hydroxy-5-androstan-3-one);
- (aa) Mesterolone (1a-methyl-17 $\beta$ -hydroxy-[5a]-androstan-3-one);
- (bb) Methandienone (17a-methyl-17 $\beta$ -hydroxyandrost-1,4-dien-3-one);
- (cc) Methandriol (17a-methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-5-ene);
- (dd) Methenolone (1-methyl-17 $\beta$ -hydroxy-5a-androst-1-en-3-one);
- (ee) 17a-methyl-3 $\beta$ ,17 $\beta$ -dihydroxy-5a-androstane);
- (ff) 17a-methyl-3a,17 $\beta$ -dihydroxy-5a-androstane);
- (gg) 17a-methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-ene;
- (hh) 17a-methyl-4-hydroxynandrolone (17a-methyl-4-hydroxy-17 $\beta$ -hydroxyestr-4-en-3-one);
- (ii) Methyldienolone (17a-methyl-17 $\beta$ -hydroxyestra-4,9(10)-dien-3-one);
- (jj) Methyltrienolone (17a-methyl-17 $\beta$ -hydroxyestra-4,9,11-trien-3-one);
- (kk) Methyltestosterone (17a-methyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (ll) Mibolerone (7a,17a-dimethyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- (mm) 17a-methyl- $\Delta$ 1-dihydrotestosterone (17 $\beta$ -hydroxy-17a-methyl-5a-androst-1-en-3-one) (a.k.a. '17-a-methyl-1-testosterone');
- (nn) Nandrolone (17 $\beta$ -hydroxyestr-4-ene-3-one);
- (oo) 19-nor-4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-4-ene);
- (pp) 19-nor-4-androstenediol (3a,17 $\beta$ -dihydroxyestr-4-ene);
- (qq) 19-nor-5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-5-ene);
- (rr) 19-nor-5-androstenediol (3a,17 $\beta$ -dihydroxyestr-5-ene);
- (ss) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- (tt) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- (uu) Norbolethone (13 $\beta$ ,17a-diethyl-17 $\beta$ -hydroxygon-4-en-3-one);
- (vv) Norclostebol (4-chloro-17 $\beta$ -hydroxyestr-4-en-3-one);
- (ww) Norethandrolone (17a-ethyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- (xx) Normethandrolone (17a-methyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- (yy) Oxandrolone (17a-methyl-17 $\beta$ -hydroxy-2-oxa-[5a]-androstan-3-one);
- (zz) Oxymesterone (17a-methyl-4,17 $\beta$ -dihydroxyandrost-4-en-3-one);

(aaa) Oxymethalone (17a-methyl-2-hydroxymethylene-17 $\beta$ -hydroxy-[5a]-androstan-3-one);

(bbb) Stanozolol (17a-methyl-17 $\beta$ -hydroxy-[5a]-androst-2-eno[3,2-c]-pyrazole);

(ccc) Stenbolone (17 $\beta$ -hydroxy-2-methyl-[5a]-androst-1-en-3-one);

(ddd) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

(eee) Testosterone (17 $\beta$ -hydroxyandro-4-en-3-one);

(fff) Tetrahydrogestrinone (13 $\beta$ ,17a-diethyl-17 $\beta$ -hydroxygon-4,9,11-trien-3-one);

(ggg) Trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one);

(hhh) Any salt, ester, or ether of a drug or substance described or listed in this subdivision, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration;

(7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product;

**(8) Any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except any dietary supplements, herbs, or natural products, including concentrates or extracts, that are not otherwise prohibited by law and that contain naturally occurring ephedrine alkaloids in a matrix of organic material such that the substances do not exceed fifteen percent of the total weight of the dietary supplement, herb, or natural product;**

**(9) Upon written application of a manufacturer, the department of health and senior services may, exempt by rule, any product containing any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers from the application of all or any part of the sections 195.010 to 195.320 because the product is formulated to effectively prevent conversion of the active ingredient into methamphetamine or its salts or precursors. Upon notification from the state highway patrol that the patrol has probable cause to believe that a product exempted under this subdivision does not effectively prevent conversion of the active ingredient into methamphetamine or its salts or precursors, the department may issue an emergency rule revoking the exemption for the product pending a full hearing;**

**(10) The department of health and senior services may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.**

7. The department of health and senior services shall place a substance in Schedule IV if it finds that:

(1) The substance has a low potential for abuse relative to substances in Schedule III;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

8. The controlled substances listed in this subsection are included in Schedule IV:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(a) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2- propionoxybutane);

(c) Any of the following limited quantities of narcotic drugs or their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(2) Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) Alprazolam;

(b) Barbital;

(c) Bromazepam;

(d) Camazepam;

(e) Chloral betaine;

(f) Chloral hydrate;

(g) Chlordiazepoxide;

(h) Clobazam;

(i) Clonazepam;

(j) Clorazepate;

(k) Clotiazepam;

(l) Cloxazolam;

(m) Delorazepam;

(n) Diazepam;

(o) Dichloralphenazone;



- (p) Estazolam;
- (q) Ethchlorvynol;
- (r) Ethinamate;
- (s) Ethyl loflazepate;
- (t) Fludiazepam;
- (u) Flunitrazepam;
- (v) Flurazepam;
- (w) Halazepam;
- (x) Haloxazolam;
- (y) Ketazolam;
- (z) Loprazolam;
- (aa) Lorazepam;
- (bb) Lormetazepam;
- (cc) Mebutamate;
- (dd) Medazepam;
- (ee) Meprobamate;
- (ff) Methohexital;
- (gg) Methylphenobarbital (mephobarbital);
- (hh) Midazolam;
- (ii) Nimetazepam;
- (jj) Nitrazepam;
- (kk) Nordiazepam;
- (ll) Oxazepam;
- (mm) Oxazolam;
- (nn) Paraldehyde;
- (oo) Petrichloral;
- (pp) Phenobarbital;
- (qq) Pinazepam;
- (rr) Prazepam;
- (ss) Quazepam;
- (tt) Temazepam;
- (uu) Tetrazepam;

(vv) Triazolam;

(ww) Zaleplon;

(xx) Zolpidem;

(yy) Zopiclone;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible: fenfluramine;

(4) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Cathine ((+)-norpseudoephedrine);

(b) Diethylpropion;

(c) Fencamfamin;

(d) Fenproporex;

(e) Mazindol;

(f) Mefenorex;

(g) Modafinil;

(h) Pemoline, including organometallic complexes and chelates thereof;

(i) Phentermine;

(j) Pipradrol;

(k) Sibutramine;

(l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

(5) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts:

(a) butorphanol;

(b) pentazocine;

(6) [Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance is the only active medicinal ingredient;

(7)] The department of health and senior services may except by rule any compound, mixture, or preparation containing any depressant substance listed in subdivision (1) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

9. The department of health and senior services shall place a substance in Schedule V if it finds that:

- (1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

10. The controlled substances listed in this subsection are included in Schedule V:

(1) Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (a) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;
- (b) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams;
- (c) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(2) Any material, compound, mixture or preparation which contains any quantity of the following substance having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers: pyrovalerone;

(3) [Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

(4)] Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts: pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

11. [If any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a prescription:

(1) All packages of any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician; and

(2) Any person purchasing, receiving or otherwise acquiring any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least eighteen years of age; and

(3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require any person, prior to their purchasing, receiving or otherwise acquiring such compound, mixture, or preparation to furnish suitable photo identification that is issued by a state or the federal government or a document that, with

respect to identification, is considered acceptable and showing the date of birth of the person;

(4) The seller shall deliver the product directly into the custody of the purchaser.

12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall implement and maintain an electronic log of each transaction. Such log shall include the following information:

(1) The name, address, and signature of the purchaser;

(2) The amount of the compound, mixture, or preparation purchased;

(3) The date and time of each purchase; and

(4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy technician who dispensed the compound, mixture, or preparation to the purchaser.

13. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section in accordance with transmission methods and frequency established by the department by regulation;

14.] No person shall dispense, sell, purchase, receive, or otherwise acquire quantities greater than those specified in this chapter.

[15. All persons who dispense or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

16. Any person who knowingly or recklessly violates the provisions of subsections 11 to 15 of this section is guilty of a class A misdemeanor.

17. The scheduling of substances specified in subdivision (3) of subsection 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

18. The manufacturer of a drug product or another interested party may apply with the department of health and senior services for an exemption from this section. The department of health and senior services may grant an exemption by rule from this section if the department finds the drug product is not used in the illegal manufacture of methamphetamine or other controlled or dangerous substances. The department of health and senior services shall rely on reports from law enforcement and law enforcement evidentiary laboratories in determining if the proposed product can be used to manufacture illicit controlled substances.

19.] **12.** The department of health and senior services shall revise and republish the schedules annually.

[20. The department of health and senior services shall promulgate rules under chapter 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described in subdivision (3) of subsection 10 of this section, for distributors as registered by the department of health and senior services.

21. Logs of transactions required to be kept and maintained by this section and section 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is the person whose transactions are recorded in the logs.]

**13. Persons registered with the Drug Enforcement Administration of the United States**

**Department of Justice to manufacture or distribute controlled substances shall maintain adequate security and provide effective controls and procedures to guard against theft and diversion, but shall not otherwise be required to meet the physical security control requirements established by the Drug Enforcement Administration regulations, such as using secured wire cage storage areas, for schedule III controlled substances containing pseudoephedrine.”; and**

Further amend said bill, Page 45, Section 590.701, Line 14, by inserting after all of said line the following:

“[195.417. 1. The limits specified in this section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than nine grams, without regard to the number of transactions.

3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than three and six-tenths grams without regard to the number of transactions.

4. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

5. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation.

6. This section shall supersede and preempt any local ordinances or regulations, including any

ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

7. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

8. Within thirty days of June 15, 2005, all persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

9. Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor.]”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Goodman offered **SA 7**:

**SENATE AMENDMENT NO. 7**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 45, Section 590.701, Line 14 of said page, by inserting after all of said line the following:

**“Section 1. 1. Notwithstanding any provision of law to the contrary, upon request of a law enforcement officer to inspect any record open to inspection by the state veterinarian under section 277.120, RSMo, or any record open to inspection by the department of agriculture, of any livestock sales or market licensee to determine the origin and destination of any livestock handled by the licensee, the law enforcement officer shall be entitled to inspect such records of the licensee without prior notice or the necessity of obtaining a search warrant during regular business hours in a manner so as to minimize interference with or delay to the licensee's business operation. When a law enforcement officer has probable cause to believe that livestock in the possession of a licensee is misappropriated, the officer may place a hold order on the livestock. The hold order shall contain the following:**

- (1) The name of the licensee;**
- (2) The name and mailing address of the licensee where the livestock is held;**
- (3) The name, title, and identification number of the law enforcement officer placing the hold order;**
- (4) The name and address of the agency to which the law enforcement officer is attached and the claim or case number, if any, assigned by the agency to the claim regarding the livestock;**
- (5) A description of the livestock; and**
- (6) The time of expiration of the holding period.**

The hold order shall be signed and dated by the issuing officer and signed and dated by the licensee or the licensee's designee as evidence of the hold order's issuance by the officer, receipt by the licensee and the beginning time of the holding period. The officer issuing the hold order shall provide an executed copy of the hold order to the licensee for the licensee's record-keeping purposes at no cost to the licensee.

2. For the purposes of this section, the term "hold order" shall mean a written legal instrument issued to a licensee by a law enforcement officer ordering the licensee to retain physical possession of livestock in the possession of a licensee or livestock purchased by and in the possession of a licensee and not to return, sell or otherwise dispose of such livestock that is believed to be misappropriated for up to twenty-four hours.

3. Upon receiving the hold order, the licensee shall retain physical possession of the livestock subject to the order in a secured area.

4. A violation of, or noncompliance with, this section shall be a class A misdemeanor. Gross negligence or willful noncompliance with the provisions of this section by a licensee shall be cause for the licensing authority to suspend or revoke the licensee's license. Any imposed suspensions or revocation provided for by this subsection may be appealed by the licensee to the licensing authority or to a court of competent jurisdiction.

5. All records and information that relate to a licensee's purchases or transactions and that are delivered to or otherwise obtained by an appropriate law enforcement officer under this section are confidential and may be used only by such appropriate law enforcement officer and only for the following official law enforcement purposes:

(1) The investigation of a crime specifically involving the livestock delivered to the licensee in a purchase or transaction; or

(2) The notification of property crime victims of where livestock that has been reported misappropriated can be located."; and

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted.

At the request of Senator Bartle, **SB 261**, **SB 159**, **SB 180** and **SB 181**, with **SCS**, **SS No. 2** for **SCS** and **SA 7** (pending), were placed on the Informal Calendar.

President Pro Tem Shields assumed the Chair.

## **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 255**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## **COMMUNICATIONS**

Senator Ridgeway submitted the following:

March 4, 2009

Secretary of Senate, Terry Spieler  
State Capitol Room 325  
Jefferson City MO 65101

Dear Mrs. Spieler,

Pursuant to Rule 45, I request that SB256 be removed from the consent calendar.

Sincerely,  
/s/ Luann Ridgeway  
Senator Luann Ridgeway

### **INTRODUCTIONS OF GUESTS**

Senator Dempsey introduced to the Senate, Jennifer and Ernesto Gutierrez and their son, Alex, St. Charles; and Alex was made an honorary page.

Senator Crowell introduced to the Senate, the Physician of the Day, Dr. Robb Hicks M.D., Cape Girardeau.

Senator Goodman introduced to the Senate, twenty eighth grade students from Branson Junior High School.

Senator Schaefer introduced to the Senate, Susan Bauer and gifted students from Oakland Junior High School and West Junior High School, Columbia.

Senator Smith introduced to the Senate, members of Leadership St. Louis.

Senator Cunningham introduced to the Senate, Teresa Lesicko and Don Rock, St. Louis.

Senator Shields introduced to the Senate, Sarah Harrison, Lindsey Buchheister, Lindsey Smith and fourth grade students from Hawthorne School, Park Hill.

Senator Shields introduced to the Senate, Jerry and Pat Musil, Kansas City.

Senator Smith introduced to the Senate, Chad Beffa, Merry Denny and students from Kennard Classical Junior Academy, St. Louis.

Senator Justus introduced to the Senate, Rosemary Brown, Alice Williams, Angela Watson, Janice O'Donnell and Sandra Martinez, gifted students from Foreign Language Academy, Kansas City.

Senator Justus introduced to the Senate, Sheriff Mike Sharp, Jackson County.

Senator Griesheimer introduced to the Senate, twenty-seven gifted students from St. Clair R-13 School District.

Senator Dempsey introduced to the Senate, gifted students from Francis Howell School District, St. Charles.

On motion of Senator Engler, the Senate adjourned under the rules.



## SENATE CALENDAR

THIRTY-THIRD DAY—THURSDAY, MARCH 5, 2009

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SJR 14-Wilson  
SJR 15-Cunningham  
SJR 16-Lager

SJR 17-Lembke  
SJR 18-Cunningham

## HOUSE BILLS ON SECOND READING

HCS for HB 96  
HB 744-Icet  
HB 287-Day, et al

HB 86-Sutherland  
HCS for HB 242  
HB 65-Wilson (119), et al

## THIRD READING OF SENATE BILLS

SB 38-Rupp  
SCS for SBs 237 & 137-Lembke  
SCS for SB 8-Champion  
SCS for SB 93-Green

SCS for SB 265-Mayer, et al  
(In Fiscal Oversight)  
SB 255-Pearce

## SENATE BILLS FOR PERFECTION

SB 57-Stouffer, with SCS  
SB 231-Cunningham, with SCS

SB 202-Schaefer, with SCS

## HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 5-Griesheimer, with SCS, SS for SCS  
& SA 2 (pending)  
SB 7-Griesheimer, with SS (pending)

SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer

SB 44-Pearce, with SCS & SA 1 (pending)  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce, with SCS (pending)  
SB 58-Stouffer  
SB 72-Stouffer, with SCS  
SB 89-Stouffer, with SCS, SA 1  
& SSA 1 for SA 1 (pending)

SB 174-Griesheimer and Goodman, with  
SCS, SS for SCS & SA 1 (pending)  
SB 176-Stouffer, with SCS  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman, with SCS (pending)  
SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS, SS#2 for SCS & SA 7 (pending)

## CONSENT CALENDAR

### Senate Bills

#### Reported 2/25

SB 368-Stouffer  
SB 114-Crowell  
SB 263-Mayer

SB 280-Rupp and Cunningham  
SB 277-Cunningham

#### Reported 3/4

SB 66-Scott  
SB 196-Shoemyer  
SB 122-Griesheimer  
SB 294-Barnitz  
SB 262-Bartle

SB 224-Goodman  
SB 232-Cunningham  
SB 134-Dempsey, with SCS  
SB 349-Goodman and McKenna  
SB 127-Rupp, with SCS

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 5-Stouffer, with SCA 1  
SCR 7-Pearce  
SR 207-Lembke and Smith, with  
SCS & SS for SCS (pending)

SCR 11-Bartle, et al  
SCR 8-Shoemyer  
SCR 16-Pearce  
SCR 14-Schmitt  
SCR 21-Clemens  
SCR 2-Crowell

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# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTY-THIRD DAY—THURSDAY, MARCH 5, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The greatest happiness of life is the conviction that we are loved - loved for ourselves, or rather, loved in spite of ourselves.” (Victor Hugo)

Loving Father, as we finish up our work this day and respond to the “homing instinct” that calls us back to family and home may we remember that we are loved and ought to be loving towards those You have given us to love. Make us humbled by efforts that go on in our absence and appreciate those who make it possible for us to do our work here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV, Jefferson City News Tribune and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Schaefer—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Griesheimer offered Senate Resolution No. 466, regarding Charles Edward Kuhn, Eureka, which was adopted.

Senator Goodman offered Senate Resolution No. 467, regarding Nancy Ridgley, Monett, which was adopted.

Senators Schmitt and Lembke offered Senate Resolution No. 468, regarding Randy Martin, South St. Louis County, which was adopted.

Senator Schmitt offered Senate Resolution No. 469, regarding Nicholas Harrison Debandt, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 470, regarding Saint Louis Synergy Juvenile Synchronized Skating Team, which was adopted.

Senator Schmitt offered Senate Resolution No. 471, regarding Sharray Hoff and Barb Watts, which was adopted.

Senator Lembke offered Senate Resolution No. 472, regarding Gene Rauscher, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 473, regarding Deborah Czmarko, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 474, regarding Jennifer Dittrich, Columbia, Illinois, which was adopted.

Senator Lembke offered Senate Resolution No. 475, regarding Joyce Sevem, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 476, regarding Christen Otto, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 477, regarding Cheryl Tentschert, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 478, regarding Judy Buckley, Fenton, which was adopted.

Senator Lembke offered Senate Resolution No. 479, regarding Robert Schimmel, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 480, regarding Heather Black, which was adopted.

Senator Lembke offered Senate Resolution No. 481, regarding Jan Cibulka, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 482, regarding Amy Wagner, Arnold, which was adopted.

Senator Lembke offered Senate Resolution No. 483, regarding Christine Vonder Haar, Saint Louis, which was adopted.

**SENATE BILLS FOR PERFECTION**

At the request of Senator Stouffer, **SB 57**, with **SCS**, was placed on the Informal Calendar.

Senator Cunningham moved that **SB 231**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 231**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 231**

An Act to repeal section 535.040, RSMo, and to enact in lieu thereof one new section relating to landlord-tenant actions.

Was taken up.

Senator Griesheimer assumed the Chair.

Senator Cunningham moved that **SCS** for **SB 231** be adopted.

Senator Justus offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 231, Page 1, Section A, Line 2, by inserting after all of said line the following:

“534.030. **1. Except as provided in subsection 2 of this section**, when any person willfully and without force holds over any lands, tenements or other possessions, after the termination of the time for which they were demised or let to the person, or the person under whom such person claims; or after a mortgage or deed of trust has been foreclosed and the person has received written notice [of] **that a foreclosure sale has occurred and either such person is in violation of any lease agreement or at least forty-five days have elapsed after the date of notification of the foreclosure sale**; or when premises are occupied incident to the terms of employment and the employee holds over after the termination of such employment; or when any person wrongfully and without force, by disseisin, shall obtain and continue in possession of any lands, tenements or other possessions, and after demand made, in writing, for the delivery of such possession of the premises by the person having the legal right to such possession, or the person's agent or attorney, shall refuse or neglect to vacate such possession, such person is guilty of an “unlawful detainer”.

**2. In any case where a foreclosed property is lawfully occupied by a residential tenant who is not in violation of any lease agreement, no unlawful detainer action may be commenced against the tenant under this chapter within forty-five days following the date the tenant is given notice that the foreclosure sale has occurred.”; and**

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Dempsey assumed the Chair.

At the request of Senator Cunningham, **SB 231**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**CONCURRENT RESOLUTIONS**

Senator Pearce moved that **SCR 16** be taken up for adoption, which motion prevailed.

On motion of Senator Pearce, **SCR 16** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green Schmitt—2

Absent with leave—Senator Schaefer—1

Vacancies—None

Senator Stouffer moved that **SCR 5**, with **SCA 1**, be taken up for adoption, which motion prevailed.

**SCA 1** was taken up.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCR 5**, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Schaefer—1

Vacancies—None

Senator Shoemyer moved that **SCR 8** be taken up for adoption, which motion prevailed.

On motion of Senator Shoemyer, **SCR 8** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Justus                Wright-Jones—2

Absent with leave—Senator Schaefer—1

Vacancies—None

Senator Crowell moved that **SCR 2**, entitled:

Concurrent Resolution relating to recognition of October 3rd as Science Day.

Be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Crowell, **SCR 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green                Vogel—2

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Crowell, title to the concurrent resolution was agreed to.

Senator Crowell moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

March 04, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David Crowe, 1420 Sylvan Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending February 26, 2011, and until his successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

March 04, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dennis H. Tesreau, 300 Dunklin Drive, Herculaneum, Jefferson County, Missouri 63048, as a member of the Mental Health Commission, for a term ending June 28, 2013, and until his successor is duly appointed and qualified; vice, Phillip McClendon, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

March 04, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Diana L. Willard, 4010 Belle Locke, Joplin, Jasper County, Missouri 64804, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2011, and until her successor is duly appointed and qualified; vice, Owen Lunn, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Mark N. Templeton, as Director of the Department of Natural Resources;

Also,

Brenda L. Niemeyer, as a member of the Missouri Planning Council for Developmental Disabilities.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Shields assumed the Chair.



Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 216**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 235**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 284**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 236**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 264**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 291**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 130**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 167**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which were referred **SB 65** and **SB 43**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 188**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 272**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dempsey assumed the Chair.

On motion of Senator Engler, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Vogel.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 14**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 580**, entitled:

An Act to repeal section 287.090, RSMo, and to enact in lieu thereof two new sections relating to compensation for emergency personnel killed in the line of duty, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 82**, entitled:

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to exempting military pensions from income tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 310**, entitled:

An Act to repeal sections 311.332, 311.333, 311.334, 311.335, 311.336, 311.338, and 311.490, RSMo, and to enact in lieu thereof five new sections relating to liquor control, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 459**, entitled:

An Act to amend chapter 190, RSMo, by adding thereto sixteen new sections relating to ambulance service reimbursement allowance tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **RESOLUTIONS**

Senator Ridgeway offered Senate Resolution No. 484, regarding Kelly Scanlon, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Crowell introduced to the Senate, Amber Lusk, Cape Girardeau; and John Moll and his children, Ella and Daniel, Jackson.

Senator Pearce introduced to the Senate, students from McEowen Elementary School, Harrisonville.

Senator Schmitt introduced to the Senate, one hundred twenty fourth grade students from North Glendale Elementary School; and James Fuszner and Rheaven Forbis were made honorary pages.

Senator Justus introduced to the Senate, Lt. Christopher Hanes, his wife, Julie, Grandview; and his parents, Bob and Mary Everitt.

Senator Lager introduced to the Senate, the Physician of the Day, Dr. James D. Humphreys, M.D., Mound City.

On motion of Senator Vogel, the Senate adjourned until 4:00 p.m., Monday, March 9, 2009.

## SENATE CALENDAR

THIRTY-FOURTH DAY—MONDAY, MARCH 9, 2009

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SJR 14-Wilson  
SJR 15-Cunningham  
SJR 16-Lager

SJR 17-Lembke  
SJR 18-Cunningham

## HOUSE BILLS ON SECOND READING

HCS for HB 96  
HB 744-Icet  
HB 287-Day, et al  
HB 86-Sutherland  
HCS for HB 242  
HB 65-Wilson (119), et al

HCS for HB 14  
HCS for HB 580  
HCS for HB 82  
HCS for HB 310  
HCS for HB 459

## THIRD READING OF SENATE BILLS

SB 38-Rupp  
SCS for SBs 237 & 137-Lembke  
SCS for SB 8-Champion

SCS for SB 93-Green  
SCS for SB 265-Mayer, et al (In Fiscal Oversight)  
SB 255-Pearce

## SENATE BILLS FOR PERFECTION

1. SB 202-Schaefer, with SCS  
2. SB 216-Scott, with SCS  
3. SB 235-Cunningham  
4. SB 284-Lembke, et al  
5. SB 236-Lembke  
6. SB 264-Mayer

7. SB 291-Shields  
8. SB 130-McKenna, et al, with SCS  
9. SB 167-Rupp, with SCS  
10. SBs 65 & 43-Rupp, et al, with SCS  
11. SB 188-Dempsey, et al, with SCS  
12. SB 272-Lager

## HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 5-Griesheimer, with SCS, SS for SCS &  
SA 2 (pending)  
SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SB 44-Pearce, with SCS & SA 1 (pending)  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce, with SCS (pending)  
SB 57-Stouffer, with SCS  
SB 58-Stouffer  
SB 72-Stouffer, with SCS

SB 89-Stouffer, with SCS, SA 1 & SSA 1  
for SA 1 (pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS for SCS & SA 1 (pending)  
SB 176-Stouffer, with SCS  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman, with SCS (pending)  
SB 231-Cunningham, with SCS & SA 1  
(pending)  
SBs 261, 159, 180 & 181-Bartle and  
Goodman, with SCS, SS#2 for SCS &  
SA 7 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/25

SB 368-Stouffer  
SB 114-Crowell  
SB 263-Mayer

SB 280-Rupp and Cunningham  
SB 277-Cunningham

Reported 3/4

SB 66-Scott  
SB 196-Shoemyer  
SB 122-Griesheimer  
SB 294-Barnitz  
SB 262-Bartle

SB 224-Goodman  
SB 232-Cunningham  
SB 134-Dempsey, with SCS  
SB 349-Goodman and McKenna  
SB 127-Rupp, with SCS

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)

SCR 11-Bartle, et al  
SCR 14-Schmitt  
SCR 21-Clemens

# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTY-FOURTH DAY—MONDAY, MARCH 9, 2009**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“O give thanks to the Lord for he is good; for his steadfast love endures forever.” (Psalm 106:1)

We do give You thanks this day for the beauty of it and the warm of the sun and then the rain to water the earth. It was a good day to drive here and to have Your abiding presence and to arrive here safe and know that You watch our going out and coming in. Thank You, O Lord, for the opportunities to serve You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 5, 2009 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 485, regarding Mavis Theassa Thompson, Saint Louis, which was adopted.

Senator Dempsey offered Senate Resolution No. 486, regarding James “Doug” Orcutt, which was adopted.

Senator Dempsey offered Senate Resolution No. 487, regarding Thomas “Cutter” Schneider, which was adopted.

Senator Dempsey offered Senate Resolution No. 488, regarding Patrick Beilsmith, which was adopted.

Senator Dempsey offered Senate Resolution No. 489, regarding Jan Kreienkamp, which was adopted.

Senator Dempsey offered Senate Resolution No. 490, regarding George Kramer, which was adopted.

Senator Dempsey offered Senate Resolution No. 491, regarding Alma Probst, which was adopted.

Senator Mayer offered Senate Resolution No. 492, regarding the Seventieth Birthday of Leon Pulley, Kennett, which was adopted.

Senator Justus offered Senate Resolution No. 493, regarding Bishop Clifford A. Jackson, which was adopted.

Senator Bray offered Senate Resolution No. 494, regarding Mark Twain Elementary School, which was adopted.

Senator Shields offered Senate Resolution No. 495, regarding the Missouri Women’s Council, which was adopted.

Senator Ridgeway offered Senate Resolution No. 496, regarding Michael Bruen Wood, Liberty, which was adopted.

Senator Griesheimer offered Senate Resolution No. 497, regarding Shirley Hillhouse, Washington, which was adopted.

Senator Ridgeway offered Senate Resolution No. 498, regarding Brittney Tebbenkamp, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 499, regarding Brittany McCurley, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 500, regarding Bailey Harper, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 501, regarding Jennifer Carney, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 502, regarding Hannah Proctor, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 503, regarding Jennifer Shea, Kansas City, which was adopted.

Senator Purgason offered Senate Resolution No. 504, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Noblitt, Caulfield, which was adopted.

Senator Purgason offered Senate Resolution No. 505, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clovis Davenport, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 506, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Sutton, Lynchburg, which was adopted.

Senator Purgason offered Senate Resolution No. 507, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Beltz, Pomona, which was adopted.

Senator Vogel offered Senate Resolution No. 508, regarding the Capital Area Chapter of the American Red Cross, which was adopted.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

March 09, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rose Marie Carmichael, Democrat, 908 Augusta Drive, Springfield, Greene County, Missouri 65809, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until her successor is duly appointed and qualified; vice, Richard J. Wilson, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 09, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lloyd Joseph Carmichael, Democrat, 908 Augusta Drive, Springfield, Greene County, Missouri 65809, as a member of the State Highway and Transportation Commission, for a term ending March 08, 2015, and until his successor is duly appointed and qualified; vice, James Anderson, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 09, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:



Don M. Downing, Democrat, 238 Park Road, Webster Groves, Saint Louis County, Missouri 63119, as a member of the University of Missouri Board of Curators, for a term ending January 01, 2015, and until his successor is duly appointed and qualified; vice, Marion Cairns, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 09, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joseph G. McCulloch, Democrat, 2013 Willow Trail, Saint Charles, Saint Charles County, Missouri 63303, as a member of the Saint Charles County Convention & Sports Facilities Authority, for a term ending April 27, 2012, and until his successor is duly appointed and qualified; vice, William Dale Finke, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 09, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas N. Wapelhorst, Republican, 3605 Collingwood, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Saint Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2013, and until his successor is duly appointed and qualified; vice, Thomas N. Wapelhorst, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

### THIRD READING OF SENATE BILLS

**SB 368**, introduced by Senator Stouffer, entitled:

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to providing an affirmative defense for certain red light violations.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 368** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 114**, introduced by Senator Crowell, entitled:

An Act to repeal sections 302.302 and 476.385, RSMo, and to enact in lieu thereof two new sections relating to the administration of driver improvement programs by the centralized violation bureau.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 114** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 263**, introduced by Senator Mayer, entitled:

An Act to repeal section 44.227, RSMo, and to enact in lieu thereof one new section relating to the seismic safety commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Mayer, **SB 263** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 280**, introduced by Senators Rupp and Cunningham, entitled:

An Act to repeal sections 143.441, 147.010, and 148.370, RSMo, and to enact in lieu thereof three new sections relating to taxation of insurance companies.

Was called from the Consent Calendar and taken up by Senator Rupp.

On motion of Senator Rupp, **SB 280** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 277**, introduced by Senator Cunningham, entitled:

An Act to amend chapters 362 and 369, RSMo, by adding thereto two new sections relating to irrevocable life insurance trusts.

Was called from the Consent Calendar and taken up.

Senator Stouffer assumed the Chair.

On motion of Senator Cunningham, **SB 277** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Cunningham moved that **SB 231**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Justus, the above amendment was withdrawn.

**SCS** for **SB 231** was again taken up.

Senator Cunningham moved that **SCS** for **SB 231** be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **SB 231** was declared perfected and ordered printed.

Senator Schaefer moved that **SB 202**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 202**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 202

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to the assignment of comparative fault for operating a motorcycle.

Was taken up.

Senator Schaefer moved that **SCS** for **SB 202** be adopted.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 202, Page 1, In the Title, Line 3, by striking said line and inserting in lieu thereof the following: "operation of motorcycles"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of

subsection 1 of this section is a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.

**4. Notwithstanding the provisions of subsection 2 of this section, any person who is twenty-one years of age or older may operate or ride as a passenger on any motorcycle or motortricycle without protective headgear upon any highway of this state, except for an interstate highway. Any person twenty-one years of age or older operating or riding as a passenger on any motorcycle or motortricycle without protective headgear upon an interstate highway shall be guilty of an infraction for which a fine not to exceed twenty-five dollars may be imposed. The protective headgear exemption provided by this subsection shall expire on August 28, 2014.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SCS for SB 202**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS for SB 202**, as amended, was declared perfected and ordered printed.

### THIRD READING OF SENATE BILLS

**SB 38**, introduced by Senator Rupp, entitled:

An Act to repeal sections 48.020 and 48.030, RSMo, and to enact in lieu thereof two new sections relating to counties changing classification.

Was taken up.

On motion of Senator Rupp, **SB 38** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SBs 237 and 137**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 237 and 137

An Act to amend chapter 335, RSMo, by adding thereto twelve new sections relating to the nurse licensure compact.

Was taken up by Senator Lembke.

On motion of Senator Lembke, **SCS for SBs 237 and 137** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 8**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 8

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to crime laboratories.

Was taken up by Senator Champion.

On motion of Senator Champion, **SCS for SB 8** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt

Scott                Shields                Shoemyer                Smith                Stouffer                Vogel                Wilson                Wright-Jones—32  
NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle                Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 93**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 93

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment and administration of a drunk driving memorial sign program.

Was taken up by Senator Green.

On motion of Senator Green, **SCS** for **SB 93** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle                Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Green, title to the bill was agreed to.

Senator Green moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.



**SB 255**, introduced by Senator Pearce, entitled:

An Act to repeal section 172.030, RSMo, and to enact in lieu thereof one new section relating to the board of curators of the University of Missouri.

Was taken up.

On motion of Senator Pearce, **SB 255** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Crowell	Purgason	Smith—3
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Absent—Senators—None

Absent with leave—Senators

Bartle	Days—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 313**, entitled:

An Act to amend chapter 30, RSMo, by adding thereto three new sections relating to the receipt of federal economic stimulus funds, with an emergency clause.

With House Amendment No. 1.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 313, Page 1, Section 30.1010, Line 4 by inserting after the word “**received**” the words: “**in the state treasury**”; and

Further amend said bill, Page 1, Section 30.1014, Line 2 by inserting after the word “**moneys**” the following: “**except those specifically allocable to the funds established under the provisions of sections 288.290, 288.300, and 644.122, RSMo**”; and

Further amend said bill, Page 1, Section 30.1014, Line 3 by inserting after the word “**received**” the

following: “**in the state treasury**”; and

Further amend said bill, Page 2, Section 1, Line 1 by inserting after the word “**create**” the following: “**or redesignate**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.  
Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

### HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS for HB 14**—Appropriations.

### SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 44**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Pearce, the above amendment was withdrawn.

Senator Pearce offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 44, Page 2, Section 221.095, Lines 26-27, by striking “any city of the third or fourth classification” and inserting in lieu thereof the following: “**a city**”; and further amend lines 28 and 29, by striking “any city of the third or fourth classification” and inserting in lieu thereof the following: “**of a city**”.

Senator Pearce moved that the above amendment be adopted.

Senator Bray offered **SA 1** to **SA 2**, which was read:

#### SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 44, Page 2, Section 221.095, Line 6 of said amendment by inserting immediately after all of said line the following: “And further amend same page, same section, line 30 by inserting immediately after ‘occurred.’ the following: ‘**The private jail shall also notify any court or government agency from which an escaped prisoner or offender was referred.**’”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

**SA 2**, as amended, was again taken up.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

Senator Wilson offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 44, Page 3, Section 221.097, Line 31, by

inserting after all of said line the following:

**“8. The state or its political subdivisions shall not contract with any private jail to provide services, unless such private jail provides written documentation of its ability to indemnify for liability arising from the operation of the private jail.”.**

Senator Wilson moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 4, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 44, Page 3, Section 221.097, Line 31, by inserting after all of said line the following: **“8. The county sheriff or his or her designee, or, in the case of a private jail located within the corporate limits of a municipality that has a police department, an officer employed by such a police department, shall be given full and complete access to a private jail’s facilities at any time to determine compliance with this chapter and with public safety requirements. The provisions of section 221.095 and this section shall not be construed to grant any law enforcement agency or officer the power to control or direct the operations of a private jail except in the event of a violation of law or a public emergency.”.**

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 44, Page 3, Section 221.097, Line 19, by inserting immediately after “221.095” the following **“and subsection 8 of this section”;**

And further amend same page, same section, line 31, by inserting after all of said line the following: **“8. All private jails in this state shall operate at all times in a manner consistent with the accreditation standards of the American Corrections Association. Private jails operating on the effective date of this section shall obtain accreditation with the American Corrections Association within twenty-four months after the effective date of this section. Private jails established after the effective date of this section shall obtain such accreditation before beginning operations. Any private jail that loses such accreditation shall immediately notify the sheriff of the county in which it resides or, if it resides within the corporate boundaries of a municipality that has a police department, the police department of such municipality, and shall also immediately notify any court or government agency that refers prisoners or offenders to it upon the loss of such accreditation. A private jail shall immediately cease operations upon the loss of such accreditation. A private jail that loses accreditation shall be responsible for all costs associated with the transportation of prisoners or offenders after a cessation of operations caused by the loss of accreditation.”.**

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Green offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 44, Page 6, Section 575.240, Line 13, by inserting immediately after all of said line the following:

**“Section 1. Any construction project to build a private jail shall comply with the provisions of**

**sections 290.210 to 290.340, RSMo, and sections 290.550 to 290.580, RSMo.”; and**

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Pearce moved that **SCS** for **SB 44**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 44**, as amended, was declared perfected and ordered printed.

### **INTRODUCTIONS OF GUESTS**

Senator Justus introduced to the Senate, her sister, Jaime Scribner and her children, Andy and Sophie, Tonganoxie, Kansas.

Senator Justus introduced to the Senate, Shonda Garrison, Holts Summit.

On motion of Senator Goodman, the Senate adjourned under the rules.

### **SENATE CALENDAR**

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**THIRTY-FIFTH DAY—TUESDAY, MARCH 10, 2009**

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### **FORMAL CALENDAR**

#### **SECOND READING OF SENATE BILLS**

SJR 14-Wilson  
SJR 15-Cunningham  
SJR 16-Lager

SJR 17-Lembke  
SJR 18-Cunningham

#### **HOUSE BILLS ON SECOND READING**

HCS for HB 96  
HB 744-Icet  
HB 287-Day, et al  
HB 86-Sutherland  
HCS for HB 242

HB 65-Wilson (119), et al  
HCS for HB 580  
HCS for HB 82  
HCS for HB 310  
HCS for HB 459

#### **THIRD READING OF SENATE BILLS**

SCS for SB 265-Mayer, et al (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

- |                           |                                      |
|---------------------------|--------------------------------------|
| 1. SB 216-Scott, with SCS | 7. SB 130-McKenna, et al, with SCS   |
| 2. SB 235-Cunningham      | 8. SB 167-Rupp, with SCS             |
| 3. SB 284-Lembke, et al   | 9. SBs 65 & 43-Rupp, et al, with SCS |
| 4. SB 236-Lembke          | 10. SB 188-Dempsey, et al, with SCS  |
| 5. SB 264-Mayer           | 11. SB 272-Lager                     |
| 6. SB 291-Shields         |                                      |

## HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 5-Griesheimer, with SCS, SS for SCS &<br>SA 2 (pending)          | SB 89-Stouffer, with SCS, SA 1 & SSA 1<br>for SA 1 (pending)                              |
| SB 7-Griesheimer, with SS (pending)                                 | SB 174-Griesheimer and Goodman, with<br>SCS, SS for SCS & SA 1 (pending)                  |
| SB 18-Bray, et al, with SCS & SS for SCS<br>(pending)               | SB 176-Stouffer, with SCS   |
| SB 29-Stouffer  | SCS for SB 189-Shields  |
| SBs 45, 212, 136, 278, 279, 285 &<br>288-Pearce, with SCS (pending) | SBs 223 & 226-Goodman, with SCS (pending)   |
| SB 57-Stouffer, with SCS  | SBs 261, 159, 180 & 181-Bartle and<br>Goodman, with SCS, SS#2 for SCS & SA 7<br>(pending) |
| SB 58-Stouffer  |   |
| SB 72-Stouffer, with SCS  |   |

## CONSENT CALENDAR

## Senate Bills

## Reported 3/4

- |                    |                            |
|--------------------|----------------------------|
| SB 66-Scott        | SB 224-Goodman             |
| SB 196-Shoemyer    | SB 232-Cunningham          |
| SB 122-Griesheimer | SB 134-Dempsey, with SCS   |
| SB 294-Barnitz     | SB 349-Goodman and McKenna |
| SB 262-Bartle      | SB 127-Rupp, with SCS      |

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 313-Nodler and Bray, with  
HCS, as amended

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order  
(pending)

SCR 7-Pearce

SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)

SCR 11-Bartle, et al

SCR 14-Schmitt

SCR 21-Clemens

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# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTY-FIFTH DAY—TUESDAY, MARCH 10, 2009**

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The Senate met pursuant to adjournment.

Senator Dempsey in the Chair.

Reverend Carl Gauck offered the following prayer:

“A humble person is more likely to be self-confident...a person with real humility knows how much they are loved.” (Cornelius Plantinga, Jr.)

Almighty God, we meet all types of people and know that we are not to judge but we rejoice in those who are truly humble and give off an authentic confidence that they know they are loved and are loving towards others. They affect those around them and they experience that they are truly loved also. Help us to truly be humbled by Your love and share genuine love with others as well. And we pray that You quickly heal Senator Days’ foot so she can do the things she enjoys. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Justus—1

Vacancies—None

**RESOLUTIONS**

Senator Schmitt offered the following resolution:

**SENATE RESOLUTION NO. 509**

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the 2009 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability and the Missouri Planning Council for Developmental Disabilities, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly, hereby grant the 2009 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Tuesday, July 28, 2009, from 1:15 p.m. to 3:30 p.m. for the purpose of holding a mock legislative session.

Senator Schmitt requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 509** up for adoption, which request was granted.

On motion of Senator Schmitt, **SR 509** was adopted.

**PRIVILEGED MOTIONS**

Senator Nodler moved that **SCS** for **SB 313**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 313**, as amended, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 313**

An Act to amend chapter 30, RSMo, by adding thereto three new sections relating to the receipt of federal economic stimulus funds, with an emergency clause.

Was taken up.

Senator Nodler moved that **HCS** for **SCS** for **SB 313**, as amended, be adopted, which motion prevailed by the following vote:

**YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

**NAYS—Senators—None****Absent—Senators—None****Absent with leave—Senator Justus—1****Vacancies—None**



On motion of Senator Nodler, **HCS** for **SCS** for **SB 313**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Justus—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Justus—1

Vacancies—None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### SENATE BILLS FOR PERFECTION

At the request of Senator Scott, **SB 216**, with **SCS**, was placed on the Informal Calendar.

Senator Cunningham moved that **SB 235** be taken up for perfection, which motion prevailed.

On motion of Senator Cunningham, **SB 235** was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 174**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Griesheimer, **SS** for **SCS** for **SB 174** was withdrawn, rendering the pending amendment moot.

Senator Griesheimer offered **SS No. 2** for **SCS** for **SB 174**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 174

An Act to repeal sections 52.240, 53.175, 67.110, 137.073, 137.106, 137.180, 137.243, 137.355, 137.385, 137.425, 137.720, 138.140, 138.380, and 139.031, RSMo, and to enact in lieu thereof seventeen new sections relating to property taxes, with an emergency clause.

Senator Griesheimer moved that **SS No. 2** for **SCS** for **SB 174** be adopted.

Senator Cunningham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 174, Page 1, In the Title, Line 6 of the title, by inserting after “clause” the following: “and a contingent effective date for certain sections”; and

Further amend said bill, Pages 6 to 22, Section 137.073, by striking all of said section and inserting in lieu thereof the following:

“137.073. 1. As used in this section, the following terms mean:

(1) “General reassessment”, changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) “Tax rate”, “rate”, or “rate of levy”, singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) “Tax rate ceiling”, a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate[; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year]. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) “Tax revenue”, when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term “tax revenue” shall not include any receipts from ad valorem levies on any property of

a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, or as excess home dock city or county fees as provided in subsection 4 of section 313.820, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate may not exceed the most recent voter-approved rate. Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each

class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction

and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. [Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115,] The assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on February first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than

describing the amount of increase in the question, the stated tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision (4) of this subsection. Nothing in this section shall be construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is required under the provisions of this section or from seeking voter approval of a reduction to such political subdivision's tax rate ceiling.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax

rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this

section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo, or otherwise contested. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

137.076. In establishing the value of a parcel of real property the county assessor shall consider **current market conditions, professional appraisals, and** previous decisions of the county board of equalization, the state tax commission or a court of competent jurisdiction that affected the value of such parcel. **For purposes of this section, the term “current market conditions”, shall mean the impact upon the housing market of foreclosures, bank sales and the average time homes remain on the market before a sale is consummated.”; and**

Further amend said bill, page 36, section 137.106, line 5, by inserting immediately after all of said line the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in



subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. **As provided in this section and section 137.123**, the assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not

owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. [Any] **Every** county [or] **and** city not within a county in this state [may, by an affirmative vote of

the governing body of such county, opt out of] **shall be subject to** the provisions of this section and sections 137.073, **137.123**, 138.060, and 138.100, RSMo, [as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling].” and further amend said bill, Page 37, Section 137.121, Line 24, by inserting after all of said line the following:

**137.123. 1. The assessor of each county of this state and any city not within a county shall reassess residential real property every odd numbered year as provided under this section, and shall consider current market conditions in making such reassessments. Where appropriate, assessors shall decrease assessed values to accurately reflect fair market value.**

**2. During any year of general reassessment, the assessed value of property, which is not subject to a transfer of ownership and is in subclass 1 of class 1 provided under article X, sections 4 (a) and (b) of the Missouri Constitution, shall not increase due to reassessment, excluding new construction and improvement, by a percentage greater than the lesser of the percentage increase in the Consumer Price Index for the Midwest Region or two percent. Upon transfer of ownership of a property, such property shall be reassessed at the percentage provided under section 137.115 of the property's true value. For purposes of this section, the term “transfer of ownership” shall not include:**

**(1) Conveyances of residential real property between individuals within the second degree of consanguinity;**

**(2) The sale of residential real property and subsequent purchase of another parcel of residential real property located within the same county, by a person age fifty-five years or older, provided the**

newly acquired property's value is not more than one million dollars more than the market value of the previously owned property.

**3. Where a taxpayer disputes an assessor's determination of assessed valuation for a parcel of residential real property owned by such taxpayer, the submission of an appraised value of such property, determined by a certified appraiser, shall be deemed the true value of money of such property and shall constitute the basis for determining the assessed value of such property. For purposes of this subsection the term "certified appraiser" shall mean any assessor who is a member of the National Association of Master Appraisers or is licensed or certified under the provisions of sections 339.500 to 339.549, RSMo. An appraisal determined by a certified appraiser shall be valid, for purposes of this section, for a period of not more than twelve months from the date of appraisal."; and**

Further amend said bill, page 52, section 138.380, Line 5, by inserting immediately after the word "law" the following:

**“; and**

**(6) To develop and provide to the assessors of the counties of this state and any assessors of any city not within a county documents, informational pamphlets to be provided by such assessors with the notices required under the provisions of subsections 2 and 3 of section 137.180, subsection 2 of section 137.355, and subsection 2 of section 137.490, which shall provide taxpayers specific information regarding their right to appeal the determination of assessed value, the time limitations for such appeals, and relevant contact information to aid such taxpayers appealing assessments. Such documents shall be provided by the commission to the assessors of this state at no charge and in an amount sufficient to guarantee that all registered taxpayers within the state are apprised of their appellate rights under Missouri property tax law”; and**

Further amend said bill, Page 58, Section B, Line 21 of said page, by inserting after all of said line the following:

**“Section C. The repeal and reenactment of sections 137.073, 137.076, and 137.115 and the enactment of section 137.123 of this act shall become effective only upon passage of a constitutional amendment limiting increases in assessed value of residential real property, due to reassessment, until a transfer of ownership occurs.”; and**

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted.

Senator Lager offered **SSA 1** for **SA 1**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 174, Page 8, Section 137.073, Line 16, by inserting immediately after the word “that” the following:

**“for all tax years beginning on or after January 1, 2009 but ending on or before December 31, 2013,”; and**

Further amend said bill, section and page, line 17, by inserting immediately after the word “rate.” the

following:

**“For all tax years beginning on or after January 1, 2014, all political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate may not exceed the most recent voter-approved rate.”; and**

Further amend said bill and section, page 9, line 4 by inserting immediately after the word “year.” the following:

**“Provisions of section 163.021, RSMo, to the contrary notwithstanding, for all tax years beginning on or after January 1, 2014, any school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri constitution and under subdivision 4 of subsection 5 of this section if such tax rate does not exceed the most recent voter- approved tax rate.”.**

Senator Lager moved that the above substitute amendment be adopted, which motion prevailed.

Senator Cunningham offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 174, Page 13, Section 137.073, Line 12, by inserting immediately before the word “Notwithstanding” the following: “[”]; and further amend line 13 by inserting after the number “137.115,” the following: “[”]; and

Further amend said bill and section, page 22, line 20, by inserting immediately after all of said line the following:

**“137.076. In establishing the value of a parcel of real property the county assessor shall consider current market conditions, professional appraisals, and previous decisions of the county board of equalization, the state tax commission or a court of competent jurisdiction that affected the value of such parcel. For purposes of this section, the term “current market conditions”, shall mean the impact upon the housing market of foreclosures, bank sales and the average time homes remain on the market before a sale is consummated.”; and**

Further amend said bill, page 36, section 137.106, line 5, by inserting immediately after all of said line the following:

**“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. As provided in this section and section 137.123, the assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate**

airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.



8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. [Any] **Every** county [or] **and** city not within a county in this state [may, by an affirmative vote of the governing body of such county, opt out of] **shall be subject to** the provisions of this section and sections 137.073, **137.123**, 138.060, and 138.100, RSMo, [as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the

ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling]."; and

Further amend said bill, section 137.121, page 37, line 24, by inserting immediately after all of said line the following:

**"137.123. 1. The assessor of each county of this state and any city not within a county shall reassess residential real property every odd numbered year as provided under this section, and shall consider current market conditions in making such reassessments. Where appropriate, assessors shall decrease assessed values to accurately reflect fair market value.**

**2. During any year of general reassessment, the assessed value of property, which is not subject to a transfer of ownership and is in subclass 1 of class 1 provided under article X, sections 4 (a) and (b) of the Missouri Constitution, shall not increase due to reassessment, excluding new construction and improvement, by a percentage greater than the lesser of the percentage increase in the Consumer Price Index for the Midwest Region or two percent. Upon transfer of ownership of a property, such property shall be reassessed at the percentage provided under section 137.115 of the property's true value. For purposes of this section, the term "transfer of ownership" shall not include:**

**(1) Conveyances of residential real property between individuals within the second degree of consanguinity;**

**(2) The sale of residential real property and subsequent purchase of another parcel of residential real property located within the same county, by a person age fifty-five years or older, provided the newly acquired property's value is not more than one million dollars more than the market value of the previously owned property.**

**3. Where a taxpayer disputes an assessor's determination of assessed valuation for a parcel of residential real property owned by such taxpayer, the submission of an appraised value of such property, determined by a certified appraiser, shall be deemed the true value of money of such property and shall constitute the basis for determining the assessed value of such property. For**

**purposes of this subsection the term “certified appraiser” shall mean any assessor who is a member of the National Association of Master Appraisers or is licensed or certified under the provisions of sections 339.500 to 339.549, RSMo. An appraisal determined by a certified appraiser shall be valid, for purposes of this section, for a period of not more than twelve months from the date of appraisal.”; and**

Further amend said bill, page 52, section 138.380, Line 5, by inserting immediately after the word “law” the following:

**“; and**

**(6) To develop and provide to the assessors of the counties of this state and any assessors of any city not within a county documents, informational pamphlets to be provided by such assessors with the notices required under the provisions of subsections 2 and 3 of section 137.180, subsection 2 of section 137.355, and subsection 2 of section 137.490, which shall provide taxpayers specific information regarding their right to appeal the determination of assessed value, the time limitations for such appeals, and relevant contact information to aid such taxpayers appealing assessments. Such documents shall be provided by the commission to the assessors of this state at no charge and in an amount sufficient to guarantee that all registered taxpayers within the state are apprised of their appellate rights under Missouri property tax law”; and**

Further amend said bill, Page 58, Section B, Line 21 of said page, by inserting after all of said line the following:

**“Section C. The repeal and reenactment of sections 137.076, and 137.115 and the enactment of section 137.123 of this act shall become effective only upon passage of a constitutional amendment limiting increases in assessed value of residential real property, due to reassessment, until a transfer of ownership occurs.”; and**

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 174**, with **SCS**, **SS No. 2** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 235**; **SCS** for **SB 44**; **SCS** for **SB 202**; and **SCS** for **SB 231**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **SCS** for **SB 313**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Shields assumed the Chair.

### SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SCS** for **SB 313**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCR 4**.

#### HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, dogs play an important role in the lives of many Missouri citizens by serving as companions, therapy dogs, and service dogs; and

Whereas, it is recognized that dog related problems are most often caused by irresponsible owners; and

Whereas, responsible dog ownership is encouraged in Missouri and responsible owners should properly control and provide adequate training for their dogs; and

Whereas, Canine Good Citizen programs identify and officially recognize those dogs who behave as members in good standing with the community; and

Whereas, the Canine Good Citizen Program which was developed by the American Kennel Club teaches pet owners that dogs should exhibit “good citizen” behaviors in the presence of other people and animals, in both the home and the community; and

Whereas, children and adults of all ages participate in Canine Good Citizen classes to learn the skills involved in responsible dog ownership; and

Whereas, with dog bites and animal concerns on the rise, there is a real need for dogs to remain well-behaved canine community members:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate concurring therein, hereby encourage dog training programs and kennel clubs to provide training and education for community pet owners that result in dogs being “Canine Good Citizens”.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 111**, entitled:

An Act to amend chapter 194, RSMo, by adding thereto one new section relating to the disposal of unclaimed veterans’ remains.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 289**, entitled:

An Act to repeal sections 162.961 and 162.963, RSMo, and to enact in lieu thereof two sections relating to special education due process hearings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 682**, entitled:

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to loss of attendance due to inclement weather, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 286**, entitled:

An Act to repeal sections 192.667 and 197.150, RSMo, and to enact in lieu thereof two new sections relating to infections, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Mayer.

### **RESOLUTIONS**

Senator Shoemyer offered Senate Resolution No. 510, regarding Carole Jo Riley, Hannibal, which was adopted.

Senator Shoemyer offered Senate Resolution No. 511, regarding Corrections Officer I Gary Yokem, Pleasant Hill, Illinois, which was adopted.

Senator Pearce offered Senate Resolution No. 512, regarding Brigadier General Garrett Harencak, which was adopted.

Senator Crowell offered Senate Resolution No. 513, regarding Mr. and Mrs. Thomas Andrew Hoffmeister, which was adopted.

Senator Crowell offered Senate Resolution No. 514, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Cletus Reutzel, Jackson, which was adopted.

### **SENATE BILLS FOR PERFECTION**

Senator Griesheimer moved that **SB 174**, with **SCS**, **SS No. 2** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Griesheimer raised the point of order that SA 2 is out of order as it is dilatory.

The point of order was referred to the President Pro Tem who ruled it not well taken.

At the request of Senator Griesheimer, SB 174, with SCS, SS No. 2 for SCS and SA 2 (pending) was placed on the Informal Calendar.

Senator Stouffer moved that SB 58 be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Stouffer offered SS for SB 58, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 58

An Act to repeal sections 21.795, 23.140, 226.030, 301.3150, 301.3152, 301.3154, 302.230, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 304.155, 306.535, 311.326, and 387.040, RSMo, and to enact in lieu thereof eighteen new sections relating to transportation, with penalty provisions.

Senator Stouffer moved that SS for SB 58 be adopted.

Senator Green offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 58, Page 59, Section 387.040, Line 3, by inserting after all of said line the following:

**“389.948. 1. The provisions of this section shall only apply to contract carriers that transport railroad employees under the terms of a contractual agreement with a railroad corporation on a road or highway of this state in a vehicle designed to carry eight or fewer passengers, including the driver. As used in this section, the term “contract carrier” has the meaning set forth in section 390.020, RSMo.**

**2. A contract carrier that transports railroad employees shall limit the hours of service by a driver who transports railroad employees to sixteen hours of total on-duty time within any twenty-four hour period.**

**3. A contract carrier that transports railroad employees shall make a concerted effort to provide a rest period of at least eight consecutive hours off duty for a driver who transports railroad employees and has accumulated sixteen hours of total on-duty time within any twenty-four hour period before allowing the driver to operate a vehicle under his or her employ again whenever practical.**

**4. A contract carrier who transports railroad employees shall maintain individualized daily time records for a minimum of six months indicating the time or times all for-hire motor carrier drivers employed by them reported for duty and the corresponding time or times of relief for each tour of duty. All records required to be maintained under this section shall be made available for inspection to the director of the department of transportation or the director's designee.**

**5. The provisions established in this section shall be considered minimum standards and shall not be construed to supercede or abrogate any law, rule, or regulation which imposes stricter standards**

or regulations upon the operation of contract carriers that transport railroad employees.

**6. The Missouri highways and transportation commission shall promulgate rules and regulations to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Purgason offered **SA 2:**

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Bill No. 58, Pages 56-57, Section 306.535, by striking all of said section from the bill; and further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Lembke offered **SA 3:**

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Bill No. 58, Page 55, Section 304.155, Line 11, by inserting after all of said line the following:

**“304.284. No automated photo red light enforcement system summons or citation may be issued unless a law enforcement officer located within the municipality employing the use of an automated photo red light system can clearly identify a violation of a traffic control signal and can make a positive identification of the driver of the vehicle. As used in this section, the term “automated photo red light enforcement system” shall mean a device, consisting of a camera or cameras and a vehicle sensor or sensors, installed to work in conjunction with a traffic control signal, which is used to produce recorded images of motor vehicles entering an intersection against a red signal indication.”; and**

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Barnitz offered **SA 4:**

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Bill No. 58, Page 55, Section 304.155, Line 11, by inserting after all of said line the following:

**“304.170. 1. No vehicle operated upon the highways of this state shall have a width, including load, in**

excess of one hundred two inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation. Provided however, a recreational vehicle as defined in section 700.010, RSMo, may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the chief engineer of the state transportation department shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The length of such semitrailer shall not exceed fifty-three feet.

6. In order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection 10 of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the state highways and transportation commission may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations, stinger-steered combination automobile transporters and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length



provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered combinations shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

8. Driveaway saddlemount combinations having a length not in excess of ninety-seven feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.

9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.

10. The highways and transportation commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9 of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8 and 9 of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.

11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway, except the state highways and transportation commission may designate additional routes for use by sixty-five foot combinations, seventy-five foot stinger-steered combinations or seventy-five foot saddlemount combinations. Any vehicle or combination of vehicles transporting automobiles, boats or other motor vehicles may carry a load which extends no more than three feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of vehicles.

12. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural implements operating occasionally on the highways for short distances[,] **including tractor parades for fund-raising activities or special events, provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the superintendent of the Missouri state highway patrol;** or to self-propelled hay-hauling equipment or to implements of husbandry, or to the movement of farm products as defined in section [400.9-109] **400.9-102**, RSMo, or to vehicles temporarily transporting agricultural implements or implements of husbandry or roadmaking machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; or to implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.

(2) Implements of husbandry and vehicles transporting such machinery or equipment and the movement of farm products as defined in section 400.9.109, RSMo, may be operated occasionally for short distances

on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

13. As used in this chapter the term “implements of husbandry” means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials.

14. Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The chief engineer of the state transportation department shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours.”; and

Further amend said bill, page 55, section 304.155, line 11, by inserting after all of said line the following:

“304.260. Farm tractors when using the highways in traveling from one field or farm to another, or to or from places of delivery or repair, **or when participating in activities or events permitted under subsection 12 of section 304.170** are exempt from the provisions of the law relating to registration and display of number plates, but shall comply with all the other provisions hereof. The state highways and transportation commission shall have the power and authority to prescribe the type of road upon which such tractors may be used and may exclude the use of such tractors or the use of trucks of any particular weight from the use of certain designated roads or types of roads, by the posting of signs along or upon such roads or any part thereof.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 58, Page 18, Section 227.295, Line 16, by inserting after all of said line the following:

**“227.310. The portion of Missouri highway 100 located in Franklin County, from its intersection with Missouri highway 47, to the highway's connection with Interstate highway 44, shall be designated as the “Veterans Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs for such designation to be paid for by the city of Washington.”; and**

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 58, Page 46, Section 304.155, Line 27, by striking the opening bracket “[” as it appears on said line; and further amend said bill, page 47, section 304.155, line

1, by striking “[ **the state highway system,**”]; and further amend said bill, page, section, line 9, by striking the opening bracket “[” that appears on said line; and further amend said bill, page, section, line 10 by striking “forty-eight” and inserting in lieu thereof the following “**twenty-four**”; and further amend said bill, page, section, line 27, by striking the closing bracket “]” that appears on said line.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Bill No. 58, Page 25, Section 302.230, Line 27, by inserting immediately after said line the following:

**“302.289. 1. Any person or towing company directed by law enforcement to remove or tow abandoned property from public property under section 304.155, RSMo, may, within thirty days, but not more than forty-five days after the removal of such property, file an affidavit with the department of revenue attesting that such person or towing company has removed abandoned property pursuant to section 304.155, RSMo, and has incurred costs associated with the removal of the abandoned property. In addition to filing an affidavit, the person or towing company shall submit an application, in a format prescribed by the director of the department of revenue, which shall include the following information:**

**(1) The name and address of the person or towing company that removed the abandoned property pursuant to section 304.155, RSMo;**

**(2) The date the person or towing company performed a law enforcement authorized tow of abandoned property under section 304.155, RSMo;**

**(3) An itemized accounting of the reasonable towing and storage charges associated with removing the abandoned property; and**

**(4) Any other relevant information the director of the department of revenue may prescribe by rule.**

**2. The application shall also be accompanied by a copy of the crime inquiry and inspection report required to be retained by subsection 7 of section 304.155, RSMo. The applicant shall also attest that the towing company has complied with all procedural requirements outlined in sections 304.155 to 304.158, RSMo.**

**3. Within five business days of receiving the application submitted under subsection 1 of this section, the director of the department of revenue, or the director's designee, shall send notice to the registered owner of the abandoned motor vehicle, as revealed by the department's records, that a claim for reasonable towing and storage charges has been filed with the department. The notice shall further state that if the registered owner of the abandoned motor vehicle does not provide satisfactory proof to the department that such charges have been satisfied within thirty days of receiving the notice, the department shall suspend the owner's driver's license or driving privileges and any motor vehicle registrations registered in the owner's name. The notice of suspension shall be mailed to the registered owner at the last known address shown on the department's records. The notice of suspension is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right**

of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made. If the request for a hearing is received by the department prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing, and for these services, the department shall charge a fee not to exceed ten dollars.

4. The suspension shall become effective thirty days after the registered owner of the abandoned motor vehicle is deemed to have received the notice as provided in subsection 3 of this section. The period of the suspension shall continue until the registered owner of the abandoned motor vehicle submits proof that he or she has satisfied all reasonable towing and storage charges associated with the abandonment of such property.

5. The director shall promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

6. As used in this section, “reasonable storage charges” shall not exceed the charges for motor vehicles which have been towed with the consent of the owner on a negotiated basis. For any application submitted pursuant to this section, reasonable storage charges shall not exceed ninety days.”; and

Further amend said bill, page 46, section 302.775, line 22, by inserting immediately after said line the following:

“304.033. Notwithstanding the provisions of section 304.022, any vehicle responding to an emergency, motor vehicle accident, incident, other traffic hazard, or other critical situation on the state highway system where there is the threat of serious physical injury or death resulting from the emergency, accident, incident, traffic hazard, or other critical situation, may use amber lights instead of red or blue lights.”; and

Further amend said bill, page 55, section 304.155, line 11, by inserting immediately after said line the following:

“304.162. 1. Notwithstanding any other law, the Missouri highway patrol may use rotation lists when requesting wrecker or towing services for removal of a vehicle from property for reasons listed in section 304.155 or 304.157.

2. The department of public safety may promulgate rules to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

At the request of Senator Stouffer, **SB 58**, with **SS** and **SA 7** (pending), was placed on the Informal Calendar.

### **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Goodman submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 349**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

President Pro Tem Shields assumed the Chair.

Senator Nodler, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **COMMUNICATIONS**

Senator Days submitted the following:

March 10, 2009

Ms. Terry Spieler  
Secretary of Senate  
State Capitol  
Jefferson City, MO 65101

Dear Ms. Spieler:

Due to a temporary physical disability, I am not able to stand. I respectfully request that I be recognized from a chair in lieu of standing. This request is in accordance with Rule 76 "*Of Decorum and Debate*" under the Rules of the Missouri Senate, 95th General Assembly. Thank you for your assistance in this matter.

Sincerely,  
/s/ Rita Heard Days  
RITA HEARD DAYS  
State Senator, District 14

### **INTRODUCTIONS OF GUESTS**

Senator Barnitz introduced to the Senate, Maggie Stiegman, Eva Erickson and Leah Lerbs, representatives of Hermann School District; and Ida McClure, representative of Vienna School District.

Senator Wright-Jones introduced to the Senate, Todd Weaver, St. Louis.

Senator Shields introduced to the Senate, Derek Frieling and students, Brittany Lynch, Aubrey Bourne,

Adam Lotito, Josh Hailey and Gage Herrington, Lafayette High School.

Senator Scott introduced to the Senate, Dr. John Payne, Washington, D.C.; and State Representative Becky McClanahan and her husband, Marvin, Kirksville.

Senator Goodman introduced to the Senate, members of Greater Ozark Leadership Development Class, community leaders from Southwest Missouri.

Senator Schmitt introduced to the Senate, Margaret Skouby, Webster Groves.

Senator Schaefer introduced to the Senate, his mother, Catherine Schaefer and Mary Ann Druhe, St. Louis.

Senator Champion introduced to the Senate, students from Parkview High School, Springfield.

Senator McKenna introduced to the Senate, Tom Ludwig and ninth grade students from Festus High School.

Senator Smith introduced to the Senate, Lisa Potts and her children, Tylar and Skylar, St. Louis.

Senator Griesheimer introduced to the Senate, students from Southpoint Elementary School, Washington.

Senator Scott introduced to the Senate, Sandy Crawford, Buffalo.

Senator Purgason introduced to the Senate, Brenda Jackson and sixty-five eighth grade students from Fairview School, West Plains.

Senator Schmitt introduced to the Senate, his aunt, Denise Schmitt, Andrew and Donna Robinson, Betty Rottler, Betty Street, Rosalie Suda, Carol Southard, Diane and Diana Wood, Judy Lochirco, Mike Klein, Sr., Dennis Schisler and Mary Stuckmeyer, Fenton.

Senator Wright-Jones introduced to the Senate, Benjamin Phillips, St. Louis.

Senator Griesheimer introduced to the Senate, St. Francis Borgia Pro Life Club and East Central Area Missouri Right to Life.

Senator Lembke introduced to the Senate, Mrs. Susan Van Hoornbeek and eighth grade students from Providence Christian Academy, South St. Louis County.

Senator Barnitz introduced to the Senate, Shannon Engelbrecht, parents and Lara Edwards, Annette Cruser, Amanda Chambers, Ashley Prohaska, Sophia Gordan, Blake Duncan and Drew Hagni, students from Rolla High School.

Senator Barnitz introduced to the Senate, Vicky Goodwin and Karla Tiefenthaler, Northwood R-4 School, Dent County.

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. David L. Redfern, M.D., Rogersville.

Senator Vogel introduced to the Senate, Jason and Shana Schuemann, their children, Dawson Daniel and Eli Jackson and Karen Dumey, Jefferson City; and Dawson Daniel and Eli Jackson were made honorary pages.

Senator Bray introduced to the Senate, Sherry Blough and six eleventh and twelfth grade students from Westminster Christian Academy, Creve Coeur.

Senator Wright-Jones introduced to the Senate, former State Representative Amber Boykins, St. Louis.  
On motion of Senator Goodman, the Senate adjourned under the rules.

SENATE CALENDAR

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THIRTY-SIXTH DAY—WEDNESDAY, MARCH 11, 2009

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 14-Wilson  
SJR 15-Cunningham  
SJR 16-Lager

SJR 17-Lembke  
SJR 18-Cunningham

HOUSE BILLS ON SECOND READING

HCS for HB 96  
HB 744-Icet  
HB 287-Day, et al  
HB 86-Sutherland  
HCS for HB 242  
HB 65-Wilson (119), et al  
HCS for HB 580

HCS for HB 82  
HCS for HB 310  
HCS for HB 459  
HCS for HB 111  
HB 289-Wallace  
HB 682-Swinger, et al  
HCS for HB 286

THIRD READING OF SENATE BILLS

SCS for SB 265-Mayer, et al  
(In Fiscal Oversight)  
SB 235-Cunningham

SCS for SB 44-Pearce  
SCS for SB 202-Schaefer  
SCS for SB 231-Cunningham

SENATE BILLS FOR PERFECTION

SB 284-Lembke, et al  
SB 236-Lembke  
SB 264-Mayer  
SB 291-Shields  
SB 130-McKenna, et al, with SCS

SB 167-Rupp, with SCS  
SBs 65 & 43-Rupp, et al, with SCS  
SB 188-Dempsey, et al, with SCS  
SB 272-Lager

## HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

HCS for HB 14, with SCS (Nodler)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 5-Griesheimer, with SCS, SS for SCS  
& SA 2 (pending)  
SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce, with SCS (pending)  
SB 57-Stouffer, with SCS  
SB 58-Stouffer, with SS & SA 7 (pending)  
SB 72-Stouffer, with SCS

SB 89-Stouffer, with SCS, SA 1 &  
SSA 1 for SA 1 (pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SB 176-Stouffer, with SCS  
SCS for SB 189-Shields  
SB 216-Scott, with SCS  
SBs 223 & 226-Goodman, with SCS (pending)  
SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS, SS#2 for SCS & SA 7 (pending)

## CONSENT CALENDAR

## Senate Bills

## Reported 3/4

SB 66-Scott  
SB 196-Shoemyer  
SB 122-Griesheimer  
SB 294-Barnitz  
SB 262-Bartle

SB 224-Goodman  
SB 232-Cunningham  
SB 134-Dempsey, with SCS  
SB 127-Rupp, with SCS

## RESOLUTIONS

## Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)

SCR 11-Bartle, et al  
SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp

## To be Referred

HCS for HCR 4



# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTY-SIXTH DAY—WEDNESDAY, MARCH 11, 2009**

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The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let those suffering in accordance with God’s will entrust themselves to a faithful Creator, while continuing to do good.” (1 Peter 4:19)

O Blessed God, You know that many times we receive criticism and misunderstanding while we attempt to do the good that You have given us the ability to perform. So we pray, strengthen us through this long day as we pursue to do Your will, doing good despite how tired we may be and the difficulties we will encounter. And help us pass on some of that caring to others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

## RESOLUTIONS

Senator Goodman offered Senate Resolution No. 515, regarding Huntress VisionHealth Associates,

Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 516, regarding the Thirtieth Anniversary of Mid-America Dental and Hearing Center, which was adopted.

Senator Smith offered Senate Resolution No. 517, regarding Kennard Classical Junior Academy, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 518, regarding the 2008-2009 HDC Conference Champion Winston R-VI School District girls basketball team, which was adopted.

Senator Lager offered Senate Resolution No. 519, regarding the death of Chief Warrant Officer Matthew Gene Kelley, which was adopted.

Senator Nodler offered Senate Resolution No. 520, regarding Access Family Care, Joplin, which was adopted.

Senator Shields offered Senate Resolution No. 521, regarding Douglas E. Evans, D.O., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 522, regarding Thomas W. Alderson, M.D., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 523, regarding Alan W. Brewer, D.O., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 524, regarding Narayan Veligati, M.D., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 525, regarding David A. Lowry, D.O., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 526, regarding Jane L. Schwabe, M.D., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 527, regarding Scott M. Folk, M.D., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 528, regarding Wendell D. Bronson, D.O., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 529, regarding Randall E. Mitchem, D.O., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 530, regarding John P. Olson, M.D., St. Joseph, which was adopted.

Senator Smith offered Senate Resolution No. 531, regarding Michael Kenneth Martin, South City, which was adopted.

### **HOUSE BILLS ON THIRD READING**

**HCS for HB 14**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the purchase of equipment, and for the payment of various claims for refunds, for

persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2009.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 14**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 14**

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2009.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 14** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 14** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

**NAYS—Senators**

Justus	Lembke	Smith—3
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Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**BILLS DELIVERED TO THE GOVERNOR**

**HCS** for **SCS** for **SB 313**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

President Pro Tem Shields assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 513**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 396**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 421**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 435**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 296**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 276**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 337**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 67**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 549**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 509**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 378**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 468**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 338**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 318**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 398**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 357**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 485**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 480**, begs leave to report

that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 394**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 464**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

### SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 176**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 176**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 176

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Alzheimer's state plan task force, with an expiration date.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 176** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 176** was declared perfected and ordered printed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 46** and **434**, entitled:

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof six new sections relating to abortion, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 678**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Silver Star Families of America Day in Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 359**, entitled:

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 239**, entitled:

An Act to repeal sections 472.335, 473.333, 475.130, and 475.190, RSMo, and to enact in lieu thereof four new sections relating to a conservator's investment in property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REFERRALS**

President Pro Tem Shields referred **HCS** for **HCR 4** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Goodman, the Senate recessed until 4:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Nodler.

### **SENATE BILLS FOR PERFECTION**

Senator Pearce moved that **SB 45**, **SB 212**, **SB 136**, **SB 278**, **SB 279**, **SB 285** and **SB 288**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288** was again taken up.

Senator Stouffer assumed the Chair.

Senator Lager offered **SS** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288**, entitled:

### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 45, 212, 136, 278, 279, 285 and 288**

An Act to repeal sections 32.105, 32.110, 32.111, 32.112, 32.115, 99.820, 99.865, 99.1205, 100.286, 100.297, 100.760, 100.770, 100.850, 135.090, 135.305, 135.327, 135.352, 135.355, 135.363, 135.460, 135.484, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.680, 135.700, 135.710, 135.750, 135.766, 135.800, 135.803, 135.805, 135.967, 208.770, 253.550, 320.093,

348.430, 348.432, 348.434, 348.505, 447.708, 620.014, 620.017, 620.470, 620.472, 620.478, 620.495, 620.1039, 620.1881, and 660.055, RSMo, and to enact in lieu thereof sixty-one new sections relating to taxation, with penalty provisions and an emergency clause and an expiration date for a certain section.

Senator Lager moved that **SS** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288** be adopted.

Senator Pearce assumed the Chair.

Senator Rupp offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 45, 212, 136, 278, 279, 285 and 288, Page 124, Section 135.680, Line 6 of said page, by striking “year 2010” and inserting in lieu thereof the following: “**years beginning on or after July 1, 2009**”; and further amend line 17 of said page, by inserting at the end of said line the following: “**For qualified equity investments properly certified by the department, nothing in this subsection shall prevent a taxpayer from claiming tax credits relating to such qualified equity investment for each applicable credit allowance date of such qualified equity investment.**”.

Senator Rupp moved that the above amendment be adopted.

Senator Lager assumed the Chair.

At the request of Senator Pearce, **SB 45, SB 212, SB 136, SB 278, SB 279, SB 285** and **SB 288**, with **SCS, SS** for **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

Senator Bartle moved that **SB 261, SB 159, SB 180** and **SB 181**, with **SCS, SS No. 2** for **SCS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Bartle, **SS No. 2** for **SCS** for **SBs 261, 159, 180** and **181** was withdrawn rendering the pending amendment moot.

Senator Bartle offered **SS No. 3** for **SCS** for **SBs 261, 159, 180** and **181**, entitled:

#### SENATE SUBSTITUTE NO. 3 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 261, 159, 180 and 181

An Act to repeal sections 84.830, 115.350, 174.700, 191.225, 195.214, 195.217, 195.218, 556.036, 561.021, 566.147, 566.149, 566.226, 570.030, 570.040, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 577.029, 578.025, 578.030, 578.255, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, and 595.060, RSMo, section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in lieu thereof forty-eight new sections relating to crime, with penalty provisions and an emergency clause for certain sections.

Senator Bartle moved that **SS No. 3** for **SCS** for **SBs 261, 159, 180** and **181** be adopted.



Senator Goodman offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 80, Section 595.220, Line 15 of said page, by inserting after all of said line the following:

**“Section 1. 1. Notwithstanding any provision of law to the contrary, upon request of a law enforcement officer to inspect any record open to inspection by the state veterinarian under section 277.120, RSMo, or any record open to inspection by the department of agriculture, of any livestock sales or market licensee to determine the origin and destination of any livestock handled by the licensee, the law enforcement officer shall be entitled to inspect such records of the licensee without prior notice or the necessity of obtaining a search warrant during regular business hours in a manner so as to minimize interference with or delay to the licensee's business operation. When a law enforcement officer has probable cause to believe that livestock in the possession of a licensee is misappropriated, the officer may place a hold order on the livestock. The hold order shall contain the following:**

- (1) The name of the licensee;**
- (2) The name and mailing address of the licensee where the livestock is held;**
- (3) The name, title, and identification number of the law enforcement officer placing the hold order;**
- (4) The name and address of the agency to which the law enforcement officer is attached and the claim or case number, if any, assigned by the agency to the claim regarding the livestock;**
- (5) A description of the livestock; and**
- (6) The time of expiration of the holding period.**

**The hold order shall be signed and dated by the issuing officer and signed and dated by the licensee or the licensee's designee as evidence of the hold order's issuance by the officer, receipt by the licensee and the beginning time of the holding period. The officer issuing the hold order shall provide an executed copy of the hold order to the licensee for the licensee's record-keeping purposes at no cost to the licensee.**

**2. For the purposes of this section, the term “hold order” shall mean a written legal instrument issued to a licensee by a law enforcement officer ordering the licensee to retain physical possession of livestock in the possession of a licensee or livestock purchased by and in the possession of a licensee and not to return, sell or otherwise dispose of such livestock that is believed to be misappropriated for up to twenty-four hours.**

**3. Upon receiving the hold order, the licensee shall retain physical possession of the livestock subject to the order in a secured area.**

**4. A violation of, or noncompliance with, this section shall be a class A misdemeanor. Gross negligence or willful noncompliance with the provisions of this section by a licensee shall be cause for the licensing authority to suspend or revoke the licensee's license. Any imposed suspensions or revocation provided for by this subsection may be appealed by the licensee to the licensing authority or to a court of competent jurisdiction.**

**5. All records and information that relate to a licensee's purchases or transactions and that are delivered to or otherwise obtained by an appropriate law enforcement officer under this section are confidential and may be used only by such appropriate law enforcement officer and only for the following official law enforcement purposes:**

**(1) The investigation of a crime specifically involving the livestock delivered to the licensee in a purchase or transaction; or**

**(2) The notification of property crime victims of where livestock that has been reported misappropriated can be located.”; and**

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted.

At the request of Senator Bartle, **SB 261, SB 159, SB 180 and SB 181**, with **SCS, SS No. 3** for **SCS and SA 1** (pending), were placed on the Informal Calendar.

Senator Lembke moved that **SB 284** be taken up for perfection, which motion prevailed.

At the request of Senator Lembke, **SB 284** was placed on the Informal Calendar.

President Pro Tem Shields assumed the Chair.

#### **REPORTS OF STANDING COMMITTEES**

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 447**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 399**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 387**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 386**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 377**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 354**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 266**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 258**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 253**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 123**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 526**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 176**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

Senator Stouffer moved that **SB 58**, with **SS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Lager assumed the Chair.

**SA 7** was again taken up.

Senator Ridgeway moved that the above amendment be adopted, which motion failed.

Senator McKenna offered **SA 8**:

## SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Bill No. 58, Page 56, Section 304.285, Line 4, by inserting immediately after said line the following:

**“304.820. 1. Except as provided in subsection 2 of this section, no person operating a moving motor vehicle upon the highways of this state shall, by means of an electronic wireless communications device, send, read, or write a text message or electronic message.**

**2. The provisions of subsection 1 of this section shall not apply to a person operating:**

**(1) An authorized emergency vehicle; or**

**(2) A moving motor vehicle while using an electronic wireless communications device to:**

**(a) Report illegal activity;**

**(b) Summon medical or other emergency help;**

**(c) Prevent injury to a person or property; or**

**(d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.**

**3. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of an electronic wireless communications device, while operating a motor vehicle upon the highways of this state.**

**4. As used in this section, “electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between electronic wireless communication devices. “Electronic message” includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an Internet site.**

**5. As used in this section, “electronic wireless communications device” includes any cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not include any built-in navigational or emergency road service assistance system.**

**6. As used in this section, “making or taking part in a telephone call” means listening to or engaging in verbal communication through an electronic wireless communication device.**

**7. As used in this section, “send, read, or write a text message or electronic message” means using an electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into an electronic wireless communications device for the purpose of making a telephone call.**

**8. A violation of this section shall be deemed a class C misdemeanor and shall be deemed a moving violation for purposes of point assessment under section 302.302, RSMo.**

**9. The state preempts the field of regulating the use of electronic wireless communications devices in motor vehicles, and the provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of electronic wireless communication devices by the operator of a motor vehicle.”; and**

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted.

Senator Schaefer assumed the Chair.

Senator Mayer offered **SA 1** to **SA 8**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute for Senate Bill No. 58, Page 2, Section 304.820, Lines 26-27, by striking the words “a class C misdemeanor” as such words appear on such lines, and inserting in lieu thereof the following: “**an infraction**”.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Lager assumed the Chair.

**SA 8**, as amended, was again taken up.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Bill No. 58, Page 1, In the Title, Line 7, by inserting after “provisions” the following: “and an effective date for certain sections”; and

Further amend said bill, Page 18, Section 227.295, Line 16 of said page, by inserting after all of said line the following:

“301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, proof of a motor vehicle safety inspection, **if applicable**, and any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026, RSMo.

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly

pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period.

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, RSMo, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, RSMo, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536, RSMo, indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to

prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a

vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307, RSMo, and the emissions inspection required under chapter 643, RSMo, shall be completed and the fees required by section 307.365, RSMo, and section 643.315, RSMo, shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307, RSMo. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365, RSMo, for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307, RSMo, **if such inspection is otherwise required under section 307.350, RSMo**, and the emissions inspection required under chapter 643, RSMo, shall be completed and only the fees required by section 307.365, RSMo, and section 643.315, RSMo, shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".



14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by:

(1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

(2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;

(3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles.

The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol."; and

Further amend said bill, Page 57, Section 306.535, Line 7 of said page, by inserting after all of said line the following:

"307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) [New] Motor vehicles [which have not been previously titled and registered,] for the [two-year] **ten-year** period following their model year of manufacture;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo;

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application

for registration or within sixty days of when a vehicle's registration is transferred. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.”; and

Further amend said bill, Page 59, Section 387.040, Line 3, by inserting after all of said line the following:

“643.303. 1. Beginning September 1, 2007, emissions inspections required by sections 643.300 to 643.355 shall be conducted through a decentralized emissions program that meets the requirements of this section. Prior to September 1, 2007, the air conservation commission shall develop a decentralized emissions inspection program that allows official inspection stations to conduct on-board diagnostic emission inspections of 1996 model year and newer motor vehicles equipped with on-board diagnostic systems meeting the federal Environmental Protection Agency On-Board Diagnostics II (OBDII) standards. The decentralized emissions inspection program shall, at a minimum, provide for the following:

- (1) The periodic inspection of certain motor vehicles as required under section 643.315;
- (2) The certification and operation of official emissions inspection stations and the licensing of emission inspectors;
- (3) The testing of motor vehicles through on-board diagnostic testing technologies;
- (4) The training, certification, and supervision of emission inspectors and other personnel; and
- (5) Procedures for certifying test results and for reporting and maintaining relevant data records.

2. In addition to any other criteria established by the commission under section 643.320 or by rule, the decentralized emissions inspection program shall allow any official inspection station located in an area

described in subsection 1 of section 643.305 otherwise qualified by the Missouri state highway patrol to conduct motor vehicle safety inspections under section 307.360, RSMo, to conduct on-board diagnostic emission inspections. Any motor vehicle safety inspection station that desires to conduct emissions inspections shall submit an application for a certificate of authorization to the commission as provided for under section 643.320. Other individuals, corporations, or entities that do not conduct motor vehicle safety inspections may conduct emission inspections provided they meet the qualifications set forth in sections 643.300 to 643.355 and the rules promulgated by the commission. Applications shall be made upon a form designated by the commission and shall contain such information as may be required by the commission. A certificate of authorization issued under section 643.320 to conduct emission inspections shall be issued only after the commission has made a determination that the applicant's proposed inspection station will be properly equipped, has the necessary licensed emission inspectors to conduct inspections, and meets all other requirements of sections 643.300 to 643.355 or rules promulgated to carry out the provisions of those sections.

3. The decentralized emissions inspection program shall allow any official inspection station that is certified to conduct an on-board diagnostic emission inspection under sections 643.300 to 643.355 to repair motor vehicles in order to bring such vehicles into compliance with sections 643.300 to 643.355, if such station and personnel meet the qualifications to conduct emission repairs as set forth in sections 643.300 to 643.355. An official emission inspection station may elect to be an emissions test-only station or may elect to conduct both emission inspections and repairs.

4. The commission is authorized to begin certification of official inspection stations prior to September 1, 2007, in order to implement the decentralized emissions inspection program. Prior to January 1, 2007, the department of natural resources shall issue a report to the general assembly and the governor regarding the progress of implementing the decentralized emissions inspection program. The report shall include, but not be limited to, a summary describing how many inspection stations or individuals the department expects to participate in the program and how many inspection stations or individuals will be qualified by September 1, 2007, to conduct such emissions inspections.

5. The commission may, as a part of implementing the decentralized emissions inspection program, use remote sensing devices to collect information regarding the vehicle fleet emissions characteristics and registration compliance within the area described in subsection 1 of section 643.305. The decentralized emissions inspection program established by the commission may also include a clean screen program that utilizes remote sensing devices. Owners of eligible vehicles who comply with clean screen/remote sensing procedures shall be deemed to have complied with the mandatory inspection requirements for the next inspection cycle. As used in this subsection, the term "clean screen program" shall mean a procedure or system that utilizes remote sensing technologies to determine whether a motor vehicle has acceptable emission levels and then allows the motor vehicle owner to bypass the emissions inspection test required under section 643.315.

6. The decentralized emissions inspection program may include a gas cap pressure test and a visual inspection component, and such tests may be included as part of the motor vehicle safety inspection test under section 307.350, RSMo, **if such motor vehicle is otherwise required to undergo an inspection under section 307.350, RSMo.**

7. As used in sections 643.300 to 643.355, "decentralized emissions inspection program" means an emissions inspection program under which a certified emissions inspector conducts emissions inspection testing at an official inspection station.

8. The decentralized emission inspection program shall satisfy the requirements established by regulation of the United States Environmental Protection Agency.

9. The decentralized emissions inspection program established by the commission and sections 643.300 to 643.355 shall not be construed to be a new program as described in section 23.253, RSMo, and the decentralized emissions inspection program shall not be subject to the sunset mandate prescribed by sections 23.250 to 23.298, RSMo.

10. No later than July 1, 2007, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of sections 643.300 to 643.355.

11. No later than July 1, 2007, the air conservation commission shall promulgate rules for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

12. Prior to September 1, 2007, the department of natural resources shall actively promote participation in the decentralized emissions inspection program among qualified motor vehicle dealers, service stations, and other individuals. After the implementation of the decentralized emission inspection program, the department shall monitor participation in such program. In determining whether there are a sufficient number of individuals conducting motor vehicle emission inspections under the decentralized program, the department shall attempt to ensure, through promotional efforts, that no more than twenty percent of all persons residing in the affected nonattainment area reside farther than five miles from the nearest inspection station.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer; provided that, if such vehicle is inspected and approved prior to sale or transfer, such vehicle shall not be subject to another emissions inspection for ninety days after the date of sale or transfer of such vehicle. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle. The department of revenue shall require evidence of the safety and emission inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.390, RSMo, and sections 643.300 to 643.355. The director of revenue may verify that a successful safety and emissions inspection was completed via electronic means.

2. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(3) Model year vehicles manufactured prior to 1996;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal;

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;

(7) Historic motor vehicles registered pursuant to section 301.131, RSMo;

(8) School buses;

(9) Heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess of eight thousand five hundred pounds;

(10) New motor vehicles that have not been previously titled and registered, for the four-year period following their model year of manufacture, provided the odometer reading for such motor vehicles are under forty thousand miles [at their first required biennial safety inspection conducted under sections 307.350 to 307.390, RSMo] **two years after such motor vehicles were initially registered**; otherwise such motor vehicles shall be subject to the emissions inspection requirements of subsection 1 of this section [during the same period that the biennial safety inspection is conducted]; and

(11) Motor vehicles that are driven fewer than twelve thousand miles between biennial safety inspections.

3. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established pursuant to sections 643.300 to 643.355.

4. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose,

in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380, RSMo.”; and

Further amend said bill, Page 59, Section 301.3152, Line 10, by inserting after all of said line the following:

“Section B. The repeal and reenactment of sections 301.147, 301.190, 307.350, 643.303, and 643.315 of this act shall become effective on January 1, 2010.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SB 58**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SB 58**, as amended, was declared perfected and ordered printed.

## COMMUNICATIONS

Senator Wilson submitted the following:

March 11, 2009

Ms. Terry Spieler  
Secretary of Senate  
State Capitol Building  
Room 325  
Jefferson City, MO 65101

Dear Madame Secretary:

I respectfully request that Senate Bill 549 be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45 and that it be returned to the Senate Health, Mental Health, Seniors and Families from which it was reported for action in accordance with

the rules of the Senate.

Sincerely,

/s/ Yvonne S. Wilson

Sen. Yvonne S. Wilson

9th District

### **INTRODUCTIONS OF GUESTS**

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Todd Bailey, Clayton.

Senator Shoemyer introduced to the Senate, Debbie Catlett and her daughter, Madi Tucker, Hannibal.

Senator Shoemyer introduced to the Senate, Debbie Sears and students from Scotland County School, Memphis.

Senator Shoemyer introduced to the Senate, Coaches Matt Smith, Quentin Hamner, Scott James, Tony McKee, Isaiah Allen, Adam Hardin and members of the Clark County High School Indians, 2008 Class 2A State Football Champions.

Senator Green introduced to the Senate, members of the Hazelwood East High School Class 5A State Football Champions, St. Louis County.

Senator Lembke introduced to the Senate, Troy and Cindy Jones and their sons, Michael and Jacob, St. Louis; and Michael and Jacob were made honorary pages.

Senator Green introduced to the Senate, Superintendent Chris Wright, Principal Daryle Strong, Coach Richard M. Nixon and members of the Hazelwood Central High School Class 6A State Football Champions, St. Louis County.

Senator Justus introduced to the Senate, Jeff Williams and his family, Kansas City.

On motion of Senator Engler, the Senate adjourned under the rules.

### **SENATE CALENDAR**

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THIRTY-SEVENTH DAY—THURSDAY, MARCH 12, 2009

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### **FORMAL CALENDAR**

#### **SECOND READING OF SENATE BILLS**

SJR 14-Wilson  
SJR 15-Cunningham  
SJR 16-Lager

SJR 17-Lembke  
SJR 18-Cunningham

#### **HOUSE BILLS ON SECOND READING**

HCS for HB 96

HB 744-Icet

HB 287-Day, et al  
 HB 86-Sutherland  
 HCS for HB 242  
 HB 65-Wilson (119), et al  
 HCS for HB 580  
 HCS for HB 82  
 HCS for HB 310  
 HCS for HB 459

HCS for HB 111  
 HB 289-Wallace  
 HB 682-Swinger, et al  
 HCS for HB 286  
 HCS for HBs 46 & 434  
 HB 678-Wasson  
 HCS for HB 359  
 HB 239-Jones (89), et al

### THIRD READING OF SENATE BILLS

SCS for SB 265-Mayer, et al  
 (In Fiscal Oversight)  
 SB 235-Cunningham  
 SCS for SB 44-Pearce

SCS for SB 202-Schaefer  
 SCS for SB 231-Cunningham  
 SCS for SB 176-Stouffer

### SENATE BILLS FOR PERFECTION

SB 236-Lembke  
 SB 264-Mayer  
 SB 291-Shields  
 SB 130-McKenna, et al, with SCS

SB 167-Rupp, with SCS  
 SBs 65 & 43-Rupp, et al, with SCS  
 SB 188-Dempsey, et al, with SCS  
 SB 272-Lager

### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
 (Griesheimer) (In Fiscal Oversight)

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 5-Griesheimer, with SCS, SS for SCS &  
 SA 2 (pending)  
 SB 7-Griesheimer, with SS (pending)  
 SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB 29-Stouffer  
 SBs 45, 212, 136, 278, 279, 285 &  
 288-Pearce, with SCS, SS for SCS &  
 SA 1 (pending)

SB 57-Stouffer, with SCS  
 SB 72-Stouffer, with SCS  
 SB 89-Stouffer, with SCS, SA 1 & SSA 1  
 for SA 1 (pending)  
 SB 174-Griesheimer and Goodman, with  
 SCS, SS#2 for SCS & SA 2 (pending)  
 SCS for SB 189-Shields  
 SB 216-Scott, with SCS  
 SBs 223 & 226-Goodman, with SCS (pending)



SBs 261, 159, 180 & 181-Bartle and  
Goodman, with SCS, SS#3 for SCS &  
SA 1 (pending)

SB 284-Lembke, et al

## CONSENT CALENDAR

### Senate Bills

#### Reported 3/4

SB 66-Scott  
SB 196-Shoemyer  
SB 122-Griesheimer  
SB 294-Barnitz  
SB 262-Bartle

SB 224-Goodman  
SB 232-Cunningham  
SB 134-Dempsey, with SCS  
SB 127-Rupp, with SCS

#### Reported 3/11

SB 513-Dempsey  
SB 396-Justus  
SB 421-Pearce  
SB 435-Lembke  
SB 296-Scott  
SB 276-Barnitz  
SB 337-Rupp  
SB 67-Scott  
SB 509-Scott, with SCS  
SB 378-Nodler  
SB 468-Justus, with SCS  
SB 338-Rupp, with SCS  
SB 318-Lembke, with SCS  
SB 398-Barnitz  
SB 357-Purgason

SB 485-Pearce  
SB 480-Shoemyer  
SB 394-Ridgeway, with SCS  
SB 464-Stouffer  
SB 447-Pearce  
SB 399-Justus  
SB 387-Barnitz  
SB 386-Lager  
SB 377-Rupp  
SB 354-Dempsey  
SB 266-Mayer  
SB 258-Schaefer, with SCS  
SB 253-Justus, with SCS  
SB 123-Griesheimer, with SCS  
SB 526-Clemens

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)

SCR 11-Bartle, et al  
SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp

# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTY-SEVENTH DAY—THURSDAY, MARCH 12, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let them praise the name of the Lord! For he commanded and they were created.” (Psalm 148:5)

Gracious and Creative Lord, we give You thanks for the work we have here but we are mindful that at the end of this day we begin a time to put aside this work and to be at rest and with those we love. It is a time to do other things that refresh us and gives our minds moments of tranquility and clarity. Help us to use this time creatively as we are re-created for Your good purposes. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Pearce offered Senate Resolution No. 532, regarding Robert Crumb, Warrensburg, which was adopted.

Senator Ridgeway offered Senate Resolution No. 533, regarding the Fortieth Birthday of Dave Reinhart, Smithville, which was adopted.

Senator Scott offered Senate Resolution No. 534, regarding Randy Bloess, Warsaw, which was adopted.

Senator Dempsey offered Senate Resolution No. 535, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Howard Wright Seeds, III, St. Charles, which was adopted.

Senator Crowell offered Senate Resolution No. 536, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Hendrix, Cape Girardeau, which was adopted.

**CONCURRENT RESOLUTIONS**

Senators Justus, Smith and Bray offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 25**

WHEREAS, lesbian, gay, and bisexual Americans have served honorably in the Armed Forces throughout United States history and continue to serve with distinction on active duty, including in the wars in Iraq and Afghanistan; and

WHEREAS, the "Don't Ask, Don't Tell" policy currently does not allow openly lesbian, gay, or bisexual Americans to serve in the military only because of their sexual orientation; and

WHEREAS, more than 12,000 service members have been discharged under the "Don't Ask, Don't Tell" policy since the policy was enacted in 1993, including approximately 800 service members who performed heavily specialized jobs, such as Arabic translators, medical specialists, pilots, and intelligence personnel; and

WHEREAS, American taxpayers have spent more than \$250 million to carry out the "Don't Ask, Don't Tell" policy by removing and replacing qualified and honorable service members because of their sexual orientation; and

WHEREAS, the United States military's readiness to protect and defend our nation is severely compromised by spending taxpayer money to discharge honorable service members who are satisfactorily carrying out all required tasks, many of which are highly specialized, making it difficult to find qualified replacement personnel; and

WHEREAS, America's allies in the war on terror, including the United Kingdom, Australia, Canada, and Israel, allow lesbian and gay service members to serve openly; and

WHEREAS, every Department of Defense authorized study has shown that there is no correlation between sexual orientation and unit cohesion in the Armed Forces; and

WHEREAS, there are more than 20,000 military and civilian personnel stationed in Missouri, and an estimated 9,000 lesbian, gay, or bisexual veterans currently reside in Missouri:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the Military Readiness Enhancement Act that would replace the current "Don't Ask, Don't Tell" policy with a policy of nondiscrimination based on sexual orientation, and respectfully urge the Congress to pass and the President to sign the Military Readiness Enhancement Act so that lesbian, gay, and bisexual Americans are able to serve their country as any other American would be allowed to serve; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each member of Missouri's congressional delegation.

**THIRD READING OF SENATE BILLS**

**SB 66**, introduced by Senator Scott, entitled:

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing

financial interest statements.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 66** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 196**, introduced by Senator Shoemyer, entitled:

An Act to repeal section 247.031, RSMo, and to enact in lieu thereof one new section relating to detachment from public water supply districts.

Was called from the Consent Calendar and taken up.

Senator Mayer assumed the Chair.

On motion of Senator Shoemyer, **SB 196** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shoemyer, title to the bill was agreed to.

Senator Shoemyer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 122**, introduced by Senator Griesheimer, entitled:

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to recall of ambulance district board members.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 122** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 294**, introduced by Senator Barnitz, entitled:

An Act to repeal section 355.151, RSMo, and to enact in lieu thereof one new section relating to corporate name reservation.

Was called from the Consent Calendar and taken up.

On motion of Senator Barnitz, **SB 294** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 262**, introduced by Senator Bartle, entitled:

An Act to repeal section 516.200, RSMo, and to enact in lieu thereof one new section relating to court procedures.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 262** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 224**, introduced by Senator Goodman, entitled:

An Act to repeal sections 351.085, 351.106, and 355.576, RSMo, and to enact in lieu thereof three new sections relating to articles of incorporation.

Was called from the Consent Calendar and taken up.

On motion of Senator Goodman, **SB 224** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

## NAYS—Senators—None

## Absent—Senators—None

## Absent with leave—Senator Bray—1

## Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 232**, introduced by Senator Cunningham, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to education requirements for public employees.

Was called from the Consent Calendar and taken up.

On motion of Senator Cunningham, **SB 232** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

## NAYS—Senators—None

## Absent—Senators—None

## Absent with leave—Senator Bray—1

## Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 134**, with **SCS**, introduced by Senator Dempsey, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the creation of the Brain Tumor Awareness Organization specialty plate.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 134**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 134

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to the creation of special license plates.

Was taken up.

Senator Dempsey moved that **SCS** for **SB 134** be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **SB 134** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 127**, with **SCS**, introduced by Senator Rupp, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to math, engineering, technology and science week.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 127**, entitled:



SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 127

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to math, engineering, technology and science week.

Was taken up.

Senator Rupp moved that **SCS** for **SB 127** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 127** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 740**, entitled:

An Act to repeal sections 208.437, 208.480, 338.535, 338.550, and 633.401, RSMo, and to enact in lieu thereof five new sections relating to federal reimbursement allowances, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 23**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 247**, entitled:

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to the nursing student loan program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 236**, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to students with disabilities, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 91**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Richard L. Blakley, Debra E. Catlett, Todd C. Mayfield and Bruce D. Lynch, as members of the Missouri Quality Home Care Council;

Also,

Lowell C. Kruse, as a member of the Coordinating Board for Higher Education.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 507**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SJR 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 363**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 355**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 256**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 307**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 306**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SJR 3**, begs leave to report that it has considered the same and recommends that the joint resolution

do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 409**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 364**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **SB 527**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **SB 539**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 321**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS for SB 265**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 155**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Veterans' Affairs, Pensions and Urban Affairs, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 563**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 411**, begs leave to report that it has considered the same and recommends that the Senate Committee

Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 512**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 161**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 304**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Mayer, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 117**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 94**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 477**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 141**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 267**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which were referred **SB 335** and **SB 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which were referred **SB 207** and **SB 245**, begs leave to report that it has considered the same and

recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 172**, begs leave to report that it has considered the same and recommends that the bill do pass.

## HOUSE BILLS ON THIRD READING PRIVILEGED MOTIONS

Senator Nodler requested unanimous consent of the Senate to reconsider in one vote the following votes on Senate Committee Substitute for House Committee Substitute for House Bill No. 14: the vote by which the titling and perfecting motions were made and carried; the third reading motion was made and carried; and the motion by which the senate committee substitute was adopted, which request was granted.

Having voted on the prevailing side, Senator Nodler moved that the vote to lay on the table the motion to reconsider the vote by which Senate Committee Substitute for House Committee Substitute for House Bill No. 14 passed; the vote by which the title was agreed to; the vote by which the bill was third read and passed; and the Senate Committee Substitute was adopted be reconsidered, which motion prevailed by the following vote:

### YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

### NAYS—Senators

Lembke                  Ridgeway—2

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

Senator Rupp assumed the Chair.

Senator Nodler moved that **SCS** for **HCS** for **HB 14** be adopted.

Senator Nodler offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 14, Page 10, Section 14.230, Line 6 of said page, by inserting immediately after said line the following new sections:

**“Section 14.235. To the Department of Transportation**

**For the Construction and Maintenance Programs**

**Funds are to be transferred out of the State Treasury, chargeable to the Federal Stimulus Fund, to**

the State Road Fund, for reimbursement of expenditures for highway infrastructure investment projects pursuant to Title XII of the American Recovery and Reinvestment Act of 2009 as enacted by the 111<sup>th</sup> United States Congress

From the Federal Stimulus Fund ..... \$125,000,000E

**Section 14.240. To the Department of Transportation**

**For the Transit Program**

Funds are to be transferred out of the State Treasury, chargeable to the Federal Stimulus Fund, to Federal Funds, for expenditures for transit capital assistance and capital investment projects pursuant to Title XII of the American Recovery and Reinvestment Act of 2009 as enacted by the 111<sup>th</sup> United States Congress

From the Federal Stimulus Fund ..... \$7,000,000E

**Section 14.245. To the Department of Transportation**

**For the Rail Program**

Funds are to be transferred out of the State Treasury, chargeable to the Federal Stimulus Fund, to the Federal Funds, for expenditures for capital assistance for rail improvement projects pursuant to Title XII of the American Recovery and Reinvestment Act of 2009 as enacted by the 111<sup>th</sup> United States Congress

From the Federal Stimulus Fund ..... \$2,000,000E

**Section 14.250. To the Department of Transportation**

**For the Aviation Program**

Funds are to be transferred out of the State Treasury, chargeable to the Federal Stimulus Fund, to Federal Funds, for expenditures for construction, capital improvements, planning and maintenance of aviation projects pursuant to Title XII of the American Recovery and Reinvestment Act of 2009 as enacted by the 111th United States Congress

From the Federal Stimulus Fund ..... \$2,500,000E

**Section 14.255. To the Office of Administration**

**For the Division of Budget and Planning**

For the purpose of accessing, maximizing, and/or leveraging federal funds, when such funds become available, for projects throughout the state as identified, prioritized and supervised by the Commissioner of Administration, with notice to the General Assembly.

For the Department of Elementary and Secondary Education ..... \$1E

For the Department of Higher Education ..... 1E

For the Department of Revenue ..... 1E

For the Office of Administration ..... 1E

For the Department of Agriculture ..... 1E

For the Department of Natural Resources ..... 1E

<b>For the Department of Conservation</b>	<b>1E</b>
<b>For the Department of Economic Development</b>	<b>1E</b>
<b>For the Department of Insurance, Financial Institutions and Professional Registration</b>	<b>1E</b>
<b>For the Department of Labor and Industrial Relations</b>	<b>1E</b>
<b>For the Department of Public Safety</b>	<b>1E</b>
<b>For the Department of Corrections</b>	<b>1E</b>
<b>For the Department of Mental Health</b>	<b>1E</b>
<b>For the Department of Health and Senior Services</b>	<b>1E</b>
<b>For the Department of Social Services</b>	<b>1E</b>
<b>From Federal Stimulus Funds</b>	<b>\$15</b>
<b>Section 14.260. There is transferred out of the State Treasury, chargeable to the Federal Budget Stabilization Fund, to the Federal Stimulus Fund</b>	
<b>From Federal Budget Stabilization Fund</b>	<b>\$1E”</b>

and further amend bill totals accordingly.

Senator Nodler moved that the above amendment be adopted.

Senator Mayer offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 14, Page 2, Section 14.255, Lines 21-29, by striking all of said lines from the bill; and further amend said bill and section, page 3, lines 1-16 by striking all of said lines from the bill; and

Further amend said bill, page 3, section 14.260, lines 17-21 by striking all of said section from the bill.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Nodler moved that **SCS** for **HCS** for **HB 14**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler **SCS** for **HCS** for **HB 14**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Mayer	McKenna
Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		



NAYS—Senators

Justus                Lembke                Ridgeway—3

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### THIRD READING OF SENATE BILLS

**SCS** for **SB 265**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 265

An Act to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to statewide court automation, with penalty provisions and an expiration date.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS** for **SB 265** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 235**, introduced by Senator Cunningham, entitled:

An Act to repeal sections 137.115, 144.044, 301.650, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 436.350, 441.005, 442.010, 443.803, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.375, 700.525, 700.600, 700.630, and 700.650, RSMo, and to enact in lieu thereof twenty-nine new sections relating to manufactured homes, with penalty provisions.

Was taken up.

On motion of Senator Cunningham, **SB 235** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 44**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 44

An Act to repeal sections 221.111, 221.353, 221.510, 575.210, 575.220, and 575.240, RSMo, and to enact in lieu thereof eight new sections relating to private jails, with penalty provisions.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **SCS** for **SB 44** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Ridgeway—1

Absent—Senator Green—1

Absent with leave—Senator Bray—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 202**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 202

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof two new sections relating to the operation of motorcycles.

Was taken up by Senator Schaefer.

Senator Schmitt assumed the Chair.

On motion of Senator Schaefer, **SCS for SB 202** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Clemens	Cunningham	Engler	Goodman	Griesheimer
Justus	Lager	Lembke	Mayer	McKenna	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer—23	

NAYS—Senators

Days	Dempsey	Green	Smith	Wilson	Wright-Jones—6
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Absent—Senators

Champion	Nodler	Vogel—3
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Absent with leave—Senators

Bray	Crowell—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 231**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 231

An Act to repeal section 535.040, RSMo, and to enact in lieu thereof one new section relating to

landlord-tenant actions.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **SCS** for **SB 231** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Clemens	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Lager	Lembke	Mayer	McKenna	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Wilson	Wright-Jones—29			

NAYS—Senator Justus—1

Absent—Senators

Champion      Vogel—2

Absent with leave—Senators

Bray              Crowell—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 93** and **216**, entitled:

An Act to repeal sections 304.170 and 304.260, RSMo, and to enact in lieu thereof two new sections relating to tractor parades, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 269**, entitled:

An Act to repeal section 301.190, RSMo, and to enact in lieu thereof one new section relating to motor vehicle and trailer certificates of ownership.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 488**, entitled:

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to school accreditation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 490**, entitled:

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to the A+ Schools Program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 83**, entitled:

An Act to repeal sections 407.1240 and 407.1249, RSMo, and to enact in lieu thereof two new sections relating to travel clubs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 148**, entitled:

An Act to repeal sections 52.361, 52.370, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071, RSMo, and to enact in lieu thereof fourteen new sections relating to collection of taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 154**, entitled:

An Act to repeal section 210.565, RSMo, and to enact in lieu thereof two new sections relating to grandparents as preferential placement for children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 376**, entitled:

An Act to repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to competitive bid requirements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 395**, entitled:

An Act to repeal section 208.819, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet long-term care transition grants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 218**, entitled:

An Act to repeal section 376.966, RSMo, and to enact in lieu thereof one new section relating to Missouri high risk insurance pool.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 400**, entitled:

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to free parking for certain veterans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 506**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to math, engineering, technology and science week.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 251**, entitled:

An Act to repeal section 416.440, RSMo, and to enact in lieu thereof one new section relating to the sale of milk.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 259**, entitled:

An Act to repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to health care claims for reimbursement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 124**, entitled:

An Act to repeal section 21.800, RSMo, and to enact in lieu thereof one new section relating to the joint committee on terrorism, bioterrorism, and homeland security.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 69**, entitled:

An Act to repeal section 135.327, RSMO, and to enact in lieu thereof one new section relating to the special needs child adoption tax credit.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **SECOND READING OF SENATE BILLS**

The following Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SJR 14**—Ways and Means.

**SJR 15**—Governmental Accountability and Fiscal Oversight.

**SJR 16**—Ways and Means.

**SJR 17**—Health, Mental Health, Seniors and Families.

**SJR 18**—Governmental Accountability and Fiscal Oversight.

### **COMMUNICATIONS**

Senator Crowell submitted the following:

March 12, 2009

Dear Ms. Spieler:

Please accept this letter as my request that **SCS** for **SB 509**, **SB 378** and **SCS** for **SB 123** be removed from the Senate Consent Calendar.

/s/ Jason Crowell

### **INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, Jen Pierce, Becky Mott and twenty-eight fourth and fifth grade students from Good Shepherd Lutheran School, Columbia.

Senator Bartle introduced to the Senate, Dr. David McGehee and John Plaas, Lee's Summit School District.

Senator Shields introduced to the Senate, Specialist Zackery Carroll, 129<sup>th</sup> Field Artillery, Army National Guard and his wife, Rachel, Jefferson City.

Senator Schmitt introduced to the Senate, fourth grade students from Robinson Elementary School, Kirkwood.

Senator Crowell introduced to the Senate, Virginia Sander and eighth grade students from St. Vincent DePaul, Cape Girardeau.

On behalf of Senator Bray, Senator Days introduced to the Senate, forty-five fourth grade students from Briarcrest School, St. Ann.

Senator Crowell introduced to the Senate, Tracy Kirchdoerfer and fourth grade students from Chaffee Elementary School.

On motion of Senator Engler, the Senate adjourned until 9:00 a.m., Wednesday, March 18, 2009.

### **SENATE CALENDAR**

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**THIRTY-EIGHTH DAY—WEDNESDAY, MARCH 18, 2009**

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### **FORMAL CALENDAR**

### **HOUSE BILLS ON SECOND READING**

HCS for HB 96  
HB 744-Icet

HB 287-Day, et al  
HB 86-Sutherland



HCS for HB 242  
 HB 65-Wilson (119), et al  
 HCS for HB 580  
 HCS for HB 82  
 HCS for HB 310  
 HCS for HB 459  
 HCS for HB 111  
 HB 289-Wallace  
 HB 682-Swinger, et al  
 HCS for HB 286  
 HCS for HBs 46 & 434  
 HB 678-Wasson  
 HCS for HB 359  
 HB 239-Jones (89), et al  
 HCS for HB 740  
 HCS for HJR 23  
 HCS for HB 247  
 HCS for HB 236

HB 91-Pollock, et al  
 HCS for HBs 93 & 216  
 HB 269-Parson, et al  
 HB 488-Schad, et al  
 HB 490-Schad, et al  
 HB 83-Wood  
 HCS for HB 148  
 HCS for HB 154  
 HB 376-Hobbs, et al  
 HB 395-Nance, et al  
 HB 218-Ervin  
 HB 400-Nasheed, et al  
 HB 506-Funderburk, et al  
 HCS for HB 251  
 HB 259-Tilley  
 HCS for HB 124  
 HB 69-Storch

### THIRD READING OF SENATE BILLS

SCS for SB 176-Stouffer

### SENATE BILLS FOR PERFECTION

- |                                       |  |
|---------------------------------------|--|
| 1. SB 236-Lembke                      | 16. SB 409-Stouffer, with SCS                  |
| 2. SB 264-Mayer                       | 17. SB 364-Clemens and Schaefer                |
| 3. SB 291-Shields                     | 18. SB 527-Nodler and Bray                     |
| 4. SB 130-McKenna, et al, with SCS    | 19. SB 539-Schaefer, with SCS                  |
| 5. SB 167-Rupp, with SCS              | 20. SB 321-Days, et al, with SCS               |
| 6. SBs 65 & 43-Rupp, et al, with SCS  | 21. SB 117-Green, with SCS                     |
| 7. SB 188-Dempsey, et al, with SCS    | 22. SB 94-Justus, et al, with SCS              |
| 8. SB 272-Lager                       | 23. SB 477-Wright-Jones                        |
| 9. SJR 5-Schmitt and Lembke, with SCS | 24. SB 141-Smith and Wright-Jones,<br>with SCS |
| 10. SB 363-Griesheimer, with SCS      | 25. SB 267-Mayer and Green                     |
| 11. SB 355-Dempsey, with SCS          | 26. SBs 335 & 16-Rupp, with SCS                |
| 12. SB 256-Schaefer                   | 27. SBs 207 & 245-Rupp, with SCS               |
| 13. SB 307-Dempsey and Rupp           | 28. SB 172-Green and Cunningham                |
| 14. SB 306-Dempsey, et al, with SCS   |  |
| 15. SJR 3-Crowell                     |  |

### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
 (Griesheimer) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 5-Griesheimer, with SCS, SS for SCS & SA 2 (pending)	SB 89-Stouffer, with SCS, SA 1 & SSA 1 for SA 1 (pending)
SB 7-Griesheimer, with SS (pending)	SB 174-Griesheimer and Goodman, with SCS, SS#2 for SCS & SA 2 (pending)
SB 18-Bray, et al, with SCS & SS for SCS (pending)	SCS for SB 189-Shields
SB 29-Stouffer	SB 216-Scott, with SCS
SBs 45, 212, 136, 278, 279, 285 & 288-Pearce, with SCS, SS for SCS & SA 1 (pending)	SBs 223 & 226-Goodman, with SCS (pending)
SB 57-Stouffer, with SCS	SBs 261, 159, 180 & 181-Bartle and Goodman, with SCS, SS#3 for SCS & SA 1 (pending)
SB 72-Stouffer, with SCS	SB 284-Lembke, et al

CONSENT CALENDAR

Senate Bills

Reported 3/11

SB 513-Dempsey	SB 480-Shoemyer
SB 396-Justus	SB 394-Ridgeway, with SCS
SB 421-Pearce	SB 464-Stouffer
SB 435-Lembke	SB 447-Pearce
SB 296-Scott	SB 399-Justus
SB 276-Barnitz	SB 387-Barnitz
SB 337-Rupp	SB 386-Lager
SB 67-Scott	SB 377-Rupp
SB 468-Justus, with SCS	SB 354-Dempsey
SB 338-Rupp, with SCS	SB 266-Mayer
SB 318-Lembke, with SCS	SB 258-Schaefer, with SCS
SB 398-Barnitz	SB 253-Justus, with SCS
SB 357-Purgason	SB 526-Clemens
SB 485-Pearce	

Reported 3/12

SB 507-Callahan	SB 512-Dempsey
SB 155-Goodman	SB 161-Crowell
SB 563-Smith, with SCS	SB 304-Crowell
SB 411-Crowell, with SCS	

## RESOLUTIONS

## Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)

SCR 11-Bartle, et al  
SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp

## To be Referred

SCR 25-Justus, et al

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# Journal of the Senate

FIRST REGULAR SESSION

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**THIRTY-EIGHTH DAY—WEDNESDAY, MARCH 18, 2009**

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The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

## **RESOLUTIONS**

On behalf of Senator Schmitt, Senator Vogel offered Senate Resolution No. 537, regarding SSM Saint Clare Health Center, Fenton, which was adopted.

On behalf of Senator Schmitt, Senator Vogel offered Senate Resolution No. 538, regarding Captain Gary Woepke, which was adopted.

On behalf of Senator Rupp, Senator Vogel offered Senate Resolution No. 539, regarding the Fiftieth Anniversary of the high school graduation of Beverly Steiniger, Georgia Ann Colombo, Carole Pessoni and Sandra Savoldi Gravé, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 540, regarding Mr. and Mrs. Joseph M. Niswonger, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 541, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Kenny Roberts, Cape Girardeau, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 542, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dean Wadlington, which was adopted.

On behalf of Senator Mayer, Senator Vogel offered Senate Resolution No. 543, regarding Travis Eakin, Bell City, which was adopted.

## **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Vogel submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 58**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Vogel, the Senate adjourned until 4:00 p.m., Monday, March 23, 2009.

## SENATE CALENDAR

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THIRTY-NINTH DAY—MONDAY, MARCH 23, 2009

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 96  
HB 744-Icet  
HB 287-Day, et al  
HB 86-Sutherland  
HCS for HB 242  
HB 65-Wilson (119), et al  
HCS for HB 580  
HCS for HB 82  
HCS for HB 310  
HCS for HB 459  
HCS for HB 111  
HB 289-Wallace  
HB 682-Swinger, et al  
HCS for HB 286  
HCS for HBs 46 & 434  
HB 678-Wasson  
HCS for HB 359  
HB 239-Jones (89), et al  
HCS for HB 740  
HCS for HJR 23

HCS for HB 247  
HCS for HB 236  
HB 91-Pollock, et al  
HCS for HBs 93 & 216  
HB 269-Parson, et al  
HB 488-Schad, et al  
HB 490-Schad, et al  
HB 83-Wood  
HCS for HB 148  
HCS for HB 154  
HB 376-Hobbs, et al  
HB 395-Nance, et al  
HB 218-Ervin  
HB 400-Nasheed, et al  
HB 506-Funderburk, et al  
HCS for HB 251  
HB 259-Tilley  
HCS for HB 124  
HB 69-Storch

### THIRD READING OF SENATE BILLS

SCS for SB 176-Stouffer

SS for SB 58-Stouffer

### SENATE BILLS FOR PERFECTION

1. SB 236-Lembke
2. SB 264-Mayer

3. SB 291-Shields
4. SB 130-McKenna, et al, with SCS

- |                                       |   |
|---------------------------------------|---|
| 5. SB 167-Rupp, with SCS              | 17. SB 364-Clemens and Schaefer             |
| 6. SBs 65 & 43-Rupp, et al, with SCS  | 18. SB 527-Nodler and Bray                  |
| 7. SB 188-Dempsey, et al, with SCS    | 19. SB 539-Schaefer, with SCS               |
| 8. SB 272-Lager                       | 20. SB 321-Days, et al, with SCS            |
| 9. SJR 5-Schmitt and Lembke, with SCS | 21. SB 117-Green, with SCS                  |
| 10. SB 363-Griesheimer, with SCS      | 22. SB 94-Justus, et al, with SCS           |
| 11. SB 355-Dempsey, with SCS          | 23. SB 477-Wright-Jones                     |
| 12. SB 256-Schaefer                   | 24. SB 141-Smith and Wright-Jones, with SCS |
| 13. SB 307-Dempsey and Rupp           | 25. SB 267-Mayer and Green                  |
| 14. SB 306-Dempsey, et al, with SCS   | 26. SBs 335 & 16-Rupp, with SCS             |
| 15. SJR 3-Crowell                     | 27. SBs 207 & 245-Rupp, with SCS            |
| 16. SB 409-Stouffer, with SCS         | 28. SB 172-Green and Cunningham             |

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 5-Griesheimer, with SCS, SS for SCS<br>& SA 2 (pending)                             | SB 89-Stouffer, with SCS, SA 1 & SSA 1<br>for SA 1 (pending)                           |
| SB 7-Griesheimer, with SS (pending)  | SB 174-Griesheimer and Goodman, with<br>SCS, SS#2 for SCS & SA 2 (pending)             |
| SB 18-Bray, et al, with SCS & SS for SCS<br>(pending)                                  | SCS for SB 189-Shields   |
| SB 29-Stouffer   | SB 216-Scott, with SCS   |
| SBs 45, 212, 136, 278, 279, 285 & 288-Pearce,<br>with SCS, SS for SCS & SA 1 (pending) | SBs 223 & 226-Goodman, with SCS (pending)  |
| SB 57-Stouffer, with SCS   | SBs 261, 159, 180 & 181-Bartle and Goodman,<br>with SCS, SS#3 for SCS & SA 1 (pending) |
| SB 72-Stouffer, with SCS   | SB 284-Lembke, et al   |

#### CONSENT CALENDAR

##### Senate Bills

Reported 3/11

- |                |                |
|----------------|----------------|
| SB 513-Dempsey | SB 435-Lembke  |
| SB 396-Justus  | SB 296-Scott   |
| SB 421-Pearce  | SB 276-Barnitz |

SB 337-Rupp  
 SB 67-Scott  
 SB 468-Justus, with SCS  
 SB 338-Rupp, with SCS  
 SB 318-Lembke, with SCS  
 SB 398-Barnitz  
 SB 357-Purgason  
 SB 485-Pearce  
 SB 480-Shoemyer  
 SB 394-Ridgeway, with SCS  
 SB 464-Stouffer

SB 447-Pearce  
 SB 399-Justus  
 SB 387-Barnitz  
 SB 386-Lager  
 SB 377-Rupp  
 SB 354-Dempsey  
 SB 266-Mayer  
 SB 258-Schaefer, with SCS  
 SB 253-Justus, with SCS  
 SB 526-Clemens

#### Reported 3/12

SB 507-Callahan  
 SB 155-Goodman  
 SB 563-Smith, with SCS  
 SB 411-Crowell, with SCS

SB 512-Dempsey  
 SB 161-Crowell  
 SB 304-Crowell

### RESOLUTIONS

#### Reported from Committee

SR 141-Engler, with point of order (pending)  
 SCR 7-Pearce  
 SR 207-Lembke and Smith, with SCS  
 & SS for SCS (pending)

SCR 11-Bartle, et al  
 SCR 14-Schmitt  
 SCR 21-Clemens  
 SCR 10-Rupp

#### To be Referred

SCR 25-Justus, et al

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# Journal of the Senate

## FIRST REGULAR SESSION

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**THIRTY-NINTH DAY—MONDAY, MARCH 23, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I arise today through the power of God: God's might to comfort me, God's wisdom to guide me, God's eye to look before me, God's ear to hear me, God's word to speak for me...” (*The Lorica of St. Patrick*)

Gracious God, we return from a time of re-creation in which whether active or passive Your presence was with us. So we are thankful for Your gifts and that You have brought us safely back to the work You have called us to do, relaxed and refreshed. We ask for Your guidance and wisdom throughout this week. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 12, 2009 and Wednesday, March 18, 2009 were read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Pearce offered Senate Resolution No. 544, regarding Kay Caskey, Butler, which was adopted.

Senator Justus offered Senate Resolution No. 545, regarding the Nelson-Atkins Museum of Art, Kansas City, which was adopted.

Senator Lager offered Senate Resolution No. 546, regarding Meredith Laine Jones, Dawn, which was adopted.

Senator Stouffer offered Senate Resolution No. 547, regarding Lieutenant William “Roger” Vorwerk, Mayview, which was adopted.

Senator Shoemyer offered Senate Resolution No. 548, regarding the Seventy-fifth Birthday of Mable Faye Sanders, Thompson, which was adopted.

Senator Rupp offered Senate Resolution No. 549, regarding Andrew Nolan Carter, which was adopted.

Senator Bartle offered Senate Resolution No. 550, regarding Elizabeth Rene Grubbs, Independence, which was adopted.

Senator Bartle offered Senate Resolution No. 551, regarding Carol E. Kirila, D.O., Kansas City, which was adopted.

Senator Goodman offered Senate Resolution No. 552, regarding the Lawrence County Justice Center, which was adopted.

Senator Pearce offered Senate Resolution No. 553, regarding Lieutenant Colonel Frank Michael Cavuoti, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 554, regarding the Fifty-ninth Wedding Anniversary of Mr. and Mrs. Glenn Beck, Sedalia, which was adopted.

Senator Engler offered Senate Resolution No. 555, regarding Cody Daniel Vines, Bloomsdale, which was adopted.

Senator Shoemyer offered Senate Resolution No. 556, regarding Michael Schwend, which was adopted.

Senator Barnitz offered Senate Resolution No. 557, regarding the Ninetieth Birthday of Louise Dewing, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 558, regarding Clemence Krieg, Rich Fountain, which was adopted.

Senator Crowell offered Senate Resolution No. 559, regarding Leah Shaw, which was adopted.

Senator Crowell offered Senate Resolution No. 560, regarding Joan Howard, which was adopted.

Senator Crowell offered Senate Resolution No. 561, regarding Chris Warren, which was adopted.

Senator Crowell offered Senate Resolution No. 562, regarding Kathleen Schmid, which was adopted.

Senator Crowell offered Senate Resolution No. 563, regarding Michael Martin, which was adopted.

Senator Bartle offered Senate Resolution No. 564, regarding Charles Wilson Andrews, Blue Springs, which was adopted.

Senator Griesheimer offered Senate Resolution No. 565, regarding Ashley Mace, Wildwood, which was

adopted.

Senators Lembke, Wright-Jones and Smith offered Senate Resolution No. 566, regarding the Board of Election Commissioners for the City of St. Louis, which was adopted.

Senator Schaefer offered Senate Resolution No. 567, regarding Nanoparticle Biochem, Incorporated, Columbia, which was adopted.

Senator Rupp offered Senate Resolution No. 568, regarding Erin E. Grant, Weldon Spring, which was adopted.

Senator Shields offered Senate Resolution No. 569, regarding Field Elementary School, St. Joseph School District, which was adopted.

Senator Crowell offered Senate Resolution No. 570, regarding Karen Gibbar, which was adopted.

Senator Crowell offered Senate Resolution No. 571, regarding Lawrence Alden Brookins, Jr., which was adopted.

Senator McKenna offered Senate Resolution No. 572, regarding Nicholle Ruess, Crystal City, which was adopted.

On behalf of Senator Clemens, Senator Engler offered Senate Resolution No. 573, regarding Espy Elementary School, Nixa R-II School District, which was adopted.

On behalf of Senator Clemens, Senator Engler offered Senate Resolution No. 574, regarding Century Elementary School, Nixa R-II School District, which was adopted.

On behalf Senator Clemens, Senator Engler offered Senate Resolution No. 575, regarding the City of Willard, which was adopted.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

March 12, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Vicki L. McCarrell to the Missouri Commission on Autism Spectrum Disorders, submitted on March 02, 2009. Line 3 and 4 should be amended as follows:

“September 03, 2012, and until her successor is duly appointed and qualified; vice, Vicki McCarrell, withdrawn.”

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 12, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Connie L. Hebert to the Missouri Commission on Autism Spectrum Disorders, submitted on March 02, 2009. Line 1, 2, 3, and 4 should be amended as follows:

“Connie L. Hebert, 1553 Trenton Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2010, and until her successor is duly appointed and qualified; vice, Connie Hebert, withdrawn.”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
March 12, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Anne M. Roux to the Missouri Commission on Autism Spectrum Disorders, submitted on March 02, 2009. Line 3 and 4 should be amended as follows:

“September 03, 2012, and until her successor is duly appointed and qualified; vice, Anne M. Roux, withdrawn.”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
March 12, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of David Crowe to the Missouri Commission on Autism Spectrum Disorders, submitted on March 04, 2009. Line 3 and 4 should be amended as follows:

“term ending September 03, 2010, and until his successor is duly appointed and qualified; vice, David Crowe, withdrawn.”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
March 12, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Troy L. Nash to the Missouri Housing Development Commission, submitted on February 25, 2009. Line 3 should be amended as follows:

“term ending October 13, 2012, and until his successor is duly appointed and qualified;”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 12, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Dennis H. Tesreau to the Mental Health Commission, submitted on March 04, 2009. Line 2 should be amended as follows:

“as a member of the Mental Health Commission, for a term ending June 28, 2012, and”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 12, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Diana L. Willard to the Missouri Planning Council for Developmental Disabilities, submitted on March 04, 2009. Line 3 and 4 should be amended as follows:

“30, 2011, and until her successor is duly appointed and qualified; vice, Diana L. Willard, withdrawn.”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 12, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Brian H. May to the Missouri Development Finance Board, submitted on March 03, 2009. Line 3 should be amended as follows:

“September 14, 2012, and until his successor is duly appointed and qualified; vice, Nelson”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 18, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rebecca S. Blackwell, 112 Holly Drive, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2010, and until her successor is duly appointed and qualified; vice, Donald McCary, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 18, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Paul E. Connors, 1611 Southeast First Street Terrace, Blue Springs, Jackson County, Missouri 64014, as a member of the Missouri Veterans Commission, for a term ending March 17, 2013, and until his successor is duly appointed and qualified; vice, Carson Ross, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 18, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Emmett W. Fairfax, 27248 Goodwill Chapel Road, Sedalia, Pettis County, Missouri 65301, as a member of the Missouri Veterans Commission, for a term ending November 02, 2009, and until his successor is duly appointed and qualified; vice, Philip E. Prewitt, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 18, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lisa A. Green, 12100 Aragan, Saint Louis, Saint Louis County, Missouri 63138, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2012, and until her successor is duly appointed and qualified; vice, Kelly J. Scott, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 18, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Marcie A. Luebbert, 1521 East Walnut Street, Apartment A, Columbia, Boone County, Missouri 65201, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2011, and until her successor is duly appointed and qualified; vice, RSMo 208.56.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 18, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Patrick A. McInerney, Democrat, 11713 Washington Street, Kansas City, Jackson County, Missouri 64114, as a member of the Kansas City Board of Police Commissioners, for a term ending March 17, 2013 and until his successor is duly appointed and qualified; vice, Terry Brady, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 18, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nancy M. Nelson, 2167 Windemere Drive, Imperial, Jefferson County, Missouri 63052, as a member of the Missouri Veterans Commission, for a term ending March 17, 2013, and until her successor is duly appointed and qualified; vice, Bernadette Miller, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 18, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael J. Ponder, Democrat, 2132 Woodhollow Court, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the State Board of Education, for a term ending March 17, 2017, and until his successor is duly appointed and qualified; vice, Shirley Hindman, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 18, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John Riffle, Democrat, 22010 Riffle Road, Pleasant Hill, Cass County, Missouri 64080, as a member of the Land Reclamation Commission, for a term ending September 28, 2011, and until his successor is duly appointed and qualified; vice, John Riffle, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above addendums and appointments to the Committee on Gubernatorial Appointments.

The following message was received from the Governor:

GOVERNOR OF MISSOURI

Jefferson City

65102

March 18, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office made and submitted to you on February 27, 2009, for your advice and consent:

Martin Powers, 705 Allen Road, Campbell, Dunklin County, Missouri 63933, as a member of the Missouri Quality Home Care Council, for a term ending March 1, 2010, and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields moved that the above appointment be returned to the Governor per his request, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

At the request of Senator Lembke, **SB 236** was placed on the Informal Calendar.

Senator Griesheimer assumed the Chair.

Senator Mayer moved that **SB 264** be taken up for perfection, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 264, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate, **be based on peer reviewed projects that have been demonstrated to influence healthy behavior**, and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity [for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy] **as the only sure way to avoid pregnancy or sexually transmitted infection**;

(2) Stress that sexually transmitted [diseases] **infections** are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus (**HIV**), acquired immune deficiency syndrome (**AIDS**), human papilloma virus, hepatitis and other sexually transmitted diseases;

(3) Present students with the latest medically factual information [regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present students with information on contraceptives and pregnancy in a manner consistent with the provisions of the federal abstinence education law, 42 U.S.C. Section 710] **about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy and to reduce the risk of contracting sexually transmitted infections, HIV/AIDS and other diseases**;

(4) [Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan] **Provide information about the vaccine for human papilloma virus, which may prevent cervical cancer, genital warts, infertility, and other reproductive health problems, when administered prior to becoming sexually active**;

(5) **Encourage family communication between parents and children about sexuality**;

(6) **Help young people gain knowledge about the physical, biological, and hormonal changes of adolescence and subsequent states of human maturation and the skills to make responsible decisions about sexuality, including how alcohol and drug use can affect that decision making**;

[(5)] (7) Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

[(6)] (8) Advise pupils of the laws pertaining to their financial responsibility to children born in and out



of wedlock and advise pupils of the provisions of chapter 566, RSMo, pertaining to statutory rape.

2. Policies concerning referrals and parental notification regarding contraception shall be determined by local school boards or charter schools, consistent with the provisions of section 167.611, RSMo.

3. A school district or charter school which provides human sexuality instruction may separate students according to gender for instructional purposes.

4. The board of a school district or charter school shall determine the specific content of the district's or school's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students receiving such instruction.

5. A school district or charter school shall notify the parent or legal guardian of each student enrolled in the district or school of:

(1) The basic content of the district's or school's human sexuality instruction to be provided to the student; and

(2) The parent's right to remove the student from any part of the district's or school's human sexuality instruction.

6. A school district or charter school shall make all curriculum materials **and names and affiliations of presenters** used in the district's or school's human sexuality instruction available for public inspection pursuant to chapter 610, RSMo, prior to the use of such materials in actual instruction.

[7. No school district or charter school, or its personnel or agents, shall provide abortion services, or permit a person or entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to human sexuality or sexually transmitted diseases to its students if such person or entity is a provider of abortion services.

8. As used in this section, the following terms mean:

(1) "Abortion", the same meaning as such term is defined in section 188.015, RSMo;

(2) "Abortion services":

(a) Performing, inducing, or assisting in the performance or inducing of an abortion which is not necessary to save the life of the mother;

(b) Encouraging a patient to have an abortion or referring a patient for an abortion, which is not necessary to save the life of the mother; or

(c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion which is not necessary to save the life of the mother.]" and

Further amend said bill, page 9, section 188.108, line 3, by inserting immediately after said line the following:

**"191.648. 1. As used in this section, "expedited partner therapy" means the practice of treating the sexual partners of persons with chlamydia or gonorrhea without an intervening medical evaluation or professional prevention counseling.**

**2. Any licensed physician may utilize expedited partner therapy for the management of the partners of persons with chlamydia or gonorrhea. Notwithstanding the requirements of 20 CSR 2150-**

5.020(5) or any other law to the contrary, a licensed physician utilizing expedited partner therapy may prescribe and dispense medications for the treatment of chlamydia or gonorrhea for an individual who is the partner of a person with chlamydia or gonorrhea and who does not have an established physician-patient relationship with such physician. Any antibiotic medications prescribed and dispensed for the treatment of chlamydia or gonorrhea under this section shall be in pill form.

**3. Expedited partner therapy may be utilized in any county health facility if:**

(1) The local case rate for chlamydia or gonorrhea exceeds one and a half times the latest available national case rate for such sexually transmitted diseases; or

(2) The local case rate for chlamydia or gonorrhea exceeds the latest available national case rate and the most recent local annual case totals for chlamydia or gonorrhea are at least twenty percent higher than the case totals for the previous year.

4. Any licensed physician utilizing expedited partner therapy for the management of partners of persons with chlamydia or gonorrhea under this section shall have immunity from any civil liability that may otherwise result by reason of such actions, unless such physician acts negligently, recklessly, in bad faith, or with malicious purpose.

5. The department of health and senior services and the division of professional registration within the department of insurance, financial institutions and professional registration shall by rule develop guidelines for the implementation of subsection 2 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

**191.717. 1. Sections 191.717 and 191.718 may be cited as the “Compassionate Assistance for Rape Emergencies (CARE) Act”.**

**2. As used in sections 191.717 to 191.718, unless the context clearly indicates otherwise, the following terms shall mean:**

(1) “Emergency care to sexual assault victims”, medical examinations, procedures, or services provided at a hospital to a sexual assault victim following an alleged rape;

(2) “Emergency contraception”, any drug or device approved by the Food and Drug Administration that prevents pregnancy after sexual intercourse;

(3) “Health care facility”, any urgent care center or facility that offers treatment for patients during normal business, after-business, or weekend hours and that is affiliated with a licensed hospital;

(4) “Medically and factually accurate and objective”, verified or supported by the weight of research conducted in compliance with accepted scientific methods and is published in peer-reviewed journals where applicable; or comprising information that leading professional organizations and agencies with relevant expertise in the field, such as the American College of Obstetricians and

Gynecologists, recognize as accurate and objective;

(5) “Sexual assault”, as defined in section 566.040, RSMo;

(6) “Sexual assault victim”, a female who is alleged to have been raped and is presented as a patient.

**191.718. 1.** It shall be the standard of care for any hospital and any health care facility that provides emergency care to sexual assault victims to:

(1) Provide each sexual assault victim with medically and factually accurate and objective written and oral information about emergency contraception;

(2) Orally inform each sexual assault victim of her option to be provided emergency contraception at the hospital;

(3) Provide the complete regimen of emergency contraception immediately at the hospital or health care facility to each sexual assault victim who requests it; and

(4) Follow the Department of Justice protocols on HIV/STI screening and prophylactic treatment as referenced in 19 CSR 40-10.010 and the sexual assault forensic exam checklist promulgated by the department of health and senior services.

**2.** Hospitals and health care facilities shall ensure that each person who provides care to sexual assault victims is provided with medically and factually accurate and objective information about emergency contraception.

**3.** The department of health and senior services shall develop, prepare, and produce informational materials relating to emergency contraception for the prevention of pregnancy for distribution in any hospital or health care facility in the state in quantities sufficient to comply with the requirements of this section. The director, in collaboration with community sexual assault programs, may also approve informational materials from other sources.

**4.** The information materials shall:

(1) Be medically and factually accurate and objective;

(2) Be clearly written and readily comprehensible in a culturally competent manner, as the department deems necessary to inform victims of sexual assault; and

(3) Explain the nature of emergency contraception, including its use, safety, efficacy, and availability, and that it does not cause abortion.

**5.** The department of health and senior services shall respond to complaints and shall periodically determine whether hospitals and health care facilities are complying with the provisions of this section. The department may use all investigative tools available to verify compliance. If the department determines that a hospital or health care facility is not in compliance, the department shall:

(1) Impose an administrative penalty of five thousand dollars per woman who is denied medically and factually accurate and objective information about emergency contraception or who is not offered or provided emergency contraception; and

(2) Impose an administrative penalty of five thousand dollars for failure to comply with the

provisions of this section and for every thirty days that a hospital or health care facility is not in compliance, an additional penalty of five thousand dollars shall be imposed.

6. The department shall promulgate rules to implement the provisions of sections 191.717 to 191.718.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

191.720. 1. This section shall be known and may be cited as the “Birth Control Protection Act”.

2. The general assembly of this state finds that:

(1) Citizens of this state have a protectable interest in freedom from unreasonable government intrusions into their private lives;

(2) This interest in freedom from unreasonable government intrusions into the private lives of citizens encompasses and protects the right of consenting individuals to obtain and use safe and effective methods of contraception without interference by governmental entities;

(3) It is the public policy of this state that the interest in freedom from unreasonable government intrusions into the private lives of citizens, and specifically the right of consenting individuals to obtain and use safe and effective methods of contraception without interference by governmental entities, shall be safeguarded and that the laws of this state shall be interpreted and construed to recognize and protect these rights.

3. Notwithstanding any other provisions of law, no governmental actor or entity, whether state, county, municipal, or otherwise, within the state of Missouri, shall:

(1) Be authorized to act in any fashion so as to deprive consenting individuals of the right to obtain and use safe and effective methods of contraception; or

(2) Interfere with or discriminate against, in the regulation or provision of benefits, facilities, services, or information, the right of consenting individuals to obtain and use safe and effective methods of contraception.

4. Nothing in this section shall be interpreted to prevent implementation of laws, rules, ordinances, taxes, or regulations affecting the method and manner of sale or distribution of contraceptives, provided such laws, rules, ordinances, taxes, or regulations are reasonably designed to promote public health and safety, and do not have the effect of unreasonably hindering public access to contraceptives.

192.970. 1. Subject to appropriation, the department of health and senior services shall implement a women's health services program by July 1, 2010. Initial funding for the program shall be in the amount of five million dollars. Such program shall have the goal of reducing the number of unintended pregnancies in Missouri by providing women's health services through qualified health providers, as determined by the department.

**2. For purposes of this section, women's health services shall include, but not be limited to:**

- (1) Breast and cervical cancer checks;**
- (2) Screening and treatment for sexually transmitted diseases;**
- (3) HIV screening;**
- (4) Voluntary choice of contraception, including natural family planning;**
- (5) Infertility treatment;**
- (6) Patient education and pre-pregnancy counseling on the dangers of smoking, alcohol, and drug use during pregnancy;**
- (7) Education on sexual coercion and violence in relationships; and**
- (8) Prenatal and other health care referrals.**

**3. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.**

**338.012. 1. Upon receipt of a valid and lawful prescription, a licensed pharmacy shall dispense any prescribed drug or device in stock without delay, consistent with the normal time frame for filling any other prescription.**

**2. Nothing herein shall prohibit a licensed pharmacy from refusing to dispense a prescribed drug or device in accordance with standard pharmacy practice if:**

**(1) There is a valid medical concern that such drug or device will cause problems due to therapeutic duplications, drug-disease contraindications, drug interactions, including serious interactions with prescription or over-the-counter medications, incorrect dosage or duration of drug treatment, drug-allergy interactions, drug abuse, or drug misuse; or**

**(2) The customer is unable to pay for the drug or device.**

**3. When a customer requests a prescribed drug or device not in stock, the pharmacy shall offer the customer the following options:**

**(1) The pharmacy shall obtain the drug or device under standard procedures for expedited ordering of any prescription drug or device not in stock and promptly notify the customer when the pharmacy receives the drug or device; or**

**(2) The pharmacy shall locate a pharmacy of the customer's choice or the closest pharmacy that has the drug or device in stock and transfer the customer's prescription to that pharmacy under standard procedures for transferring prescriptions.**

The pharmacy shall perform the customer's chosen option in a timely fashion and return the prescription order to the customer upon request at any time prior to dispensing.

4. Every licensed pharmacy shall ensure that it does not intimidate, threaten, or harass its customers in the delivery of services.

**338.014. 1.** A licensed pharmacy shall fulfill all lawful requests for contraception approved for over-the-counter use in a timely fashion.

2. Where a customer lawfully requests contraception approved for over-the-counter use, and that drug is not in stock, the pharmacy shall offer the customer the following options:

(1) The pharmacy will obtain the contraception under the pharmacy's standard procedures for expedited ordering of over-the-counter drugs not in stock and promptly notify the customer when the pharmacy receives the contraception; or

(2) The pharmacy will locate a pharmacy of the customer's choice or the closest pharmacy that has the contraception in stock and refer the customer to that pharmacy.

The pharmacy shall perform the customer's chosen option in a timely fashion.

3. Every licensed pharmacy shall ensure that it does not intimidate, threaten, or harass its customers in the delivery of services.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Mayer raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying legislation.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Stouffer assumed the Chair.

Senator Dempsey assumed the Chair.

At the request of Senator Mayer, **SB 264** was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCRs 22** and **25**.

#### HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NOS. 22 AND 25

Whereas, the state of Missouri has a long history of supporting the military in their mission to protect the American people; and

Whereas, Whiteman Air Force Base has a long history of being at the forefront of national defense; and

Whereas, the United States Air Force is establishing a new major command responsible for all Air Force nuclear operations, and this Global Strike Command will bring the Air Force's B-52 and B-2 bombers and intercontinental ballistic missiles under one command; and

Whereas, the United States Air Force is in the process of selecting the location of the permanent headquarters for Global Strike Command; and

Whereas, Whiteman Air Force Base is one of six bases where Air Force officials are considering stationing the permanent headquarters of Global Strike Command; and

Whereas, Whiteman Air Force Base is one of the most important joint military installations in the United States and has the distinction of being the only Air Force Base in the United States to have three separate Wings located on such installation; and

Whereas, one of the Wings is the 509th Bomb Wing, which is the only Air Force Wing to operate and maintain the Air Force's premier weapon system, the B-2 Bomber, a multi-role bomber capable of delivering both conventional and nuclear munitions; and

Whereas, state and local organizations, including the Missouri Military Preparedness and Enhancement Commission, the Warrensburg City Council, the Knob Noster City Council, the Whiteman Area Leadership Council, the Whiteman Air Force Base Community Council, the Military Affairs Committee of the Warrensburg Chamber of Commerce, the Knob Noster Chamber of Commerce, the Daily Star-Journal, the Missouri Department of Economic Development, and the Governor of the State of Missouri, all support the choice of Whiteman Air Force Base as the permanent headquarters for Global Strike Command:

Now, therefore, be it resolved that the members of the Missouri House of Representatives, Ninety-fifth General Assembly, First Regular Session, the Senate concurring therein, hereby strongly support the choice of Whiteman Air Force Base as the permanent headquarters of the Air Force's Global Strike Command and urge the United States Air Force to select Whiteman Air Force Base as the headquarters of the new Global Strike Command; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Secretary of Defense, the Secretary of the Air Force, and each member of Missouri's Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 13**.

#### HOUSE CONCURRENT RESOLUTION NO. 13

Whereas, the Tenth Amendment to the Constitution of the United States reads as follows:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”; and

Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, today, in 2009, the states are demonstrably treated as agents of the federal government; and

Whereas, many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

Whereas, the Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the federal government may not usurp; and

Whereas, Article IV, Section 4 says, “The United States shall guarantee to every State in the Union a Republican Form of Government”, and the Ninth Amendment states that “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people”; and

Whereas, the United States Supreme Court has rules in *New York v. United States*, 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate concurring therein, hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and

Be it further resolved that this concurrent resolution serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers; and

Be it further resolved that all compulsory federal legislation which directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Speaker of the House of Representatives and President of the Senate of each state's legislature, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 304**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 155**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 258**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 354**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

### **REFERRALS**

President Pro Tem Shields referred **SS** for **SB 58** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Shields referred **SCR 25** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **COMMUNICATIONS**

Senator Bray submitted the following:

March 23, 2009

Terry Spieler  
Senate Secretary  
Missouri State Senate  
State Capitol Building, Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

In accordance with Rule 45, I am writing to object to the placement of SB 512 on the Consent Calendar. This bill is too controversial to



qualify as a consent bill and therefore should be removed as such and returned to the Veterans' Affairs, Pensions and Urban Affairs Committee.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

March 23, 2009

Terry Spieler  
Senate Secretary  
Missouri State Senate  
State Capitol Building, Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

In accordance with Rule 45, I am writing to object to the placement of SB 67 on the Consent Calendar. This bill is too controversial to qualify as a consent bill and therefore should be removed as such and returned to the Jobs, Economic Development and Local Government Committee.

Sincerely,  
/s/ Joan Bray  
Joan Bray

## INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, his son, Joe.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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FORTIETH DAY—TUESDAY, MARCH 24, 2009

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 96  
HB 744-Icet  
HB 287-Day, et al  
HB 86-Sutherland  
HCS for HB 242  
HB 65-Wilson (119), et al  
HCS for HB 580  
HCS for HB 82  
HCS for HB 310

HCS for HB 459  
HCS for HB 111  
HB 289-Wallace  
HB 682-Swinger, et al  
HCS for HB 286  
HCS for HBs 46 & 434  
HB 678-Wasson  
HCS for HB 359  
HB 239-Jones (89), et al

HCS for HB 740  
HCS for HJR 23  
HCS for HB 247  
HCS for HB 236  
HB 91-Pollock, et al  
HCS for HBs 93 & 216  
HB 269-Parson, et al  
HB 488-Schad, et al  
HB 490-Schad, et al  
HB 83-Wood  
HCS for HB 148

HCS for HB 154  
HB 376-Hobbs, et al  
HB 395-Nance, et al  
HB 218-Ervin  
HB 400-Nasheed, et al  
HB 506-Funderburk, et al  
HCS for HB 251  
HB 259-Tilley  
HCS for HB 124  
HB 69-Storch

### THIRD READING OF SENATE BILLS

SCS for SB 176-Stouffer

SS for SB 58-Stouffer (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 291-Shields  
2. SB 130-McKenna, et al, with SCS  
3. SB 167-Rupp, with SCS  
4. SBs 65 & 43-Rupp, et al, with SCS  
5. SB 188-Dempsey, et al, with SCS  
6. SB 272-Lager  
7. SJR 5-Schmitt and Lembke, with SCS  
8. SB 363-Griesheimer, with SCS  
9. SB 355-Dempsey, with SCS  
10. SB 256-Schaefer  
11. SB 307-Dempsey and Rupp  
12. SB 306-Dempsey, et al, with SCS  
13. SJR 3-Crowell

14. SB 409-Stouffer, with SCS  
15. SB 364-Clemens and Schaefer  
16. SB 527-Nodler and Bray  
17. SB 539-Schaefer, with SCS  
18. SB 321-Days, et al, with SCS  
19. SB 117-Green, with SCS  
20. SB 94-Justus, et al, with SCS  
21. SB 477-Wright-Jones  
22. SB 141-Smith and Wright-Jones, with SCS  
23. SB 267-Mayer and Green  
24. SBs 335 & 16-Rupp, with SCS  
25. SBs 207 & 245-Rupp, with SCS  
26. SB 172-Green and Cunningham

### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 5-Griesheimer, with SCS, SS for SCS  
& SA 2 (pending)

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS

(pending)  
 SB 29-Stouffer  
 SBs 45, 212, 136, 278, 279, 285 & 288-Pearce,  
   with SCS, SS for SCS & SA 1 (pending)  
 SB 57-Stouffer, with SCS  
 SB 72-Stouffer, with SCS  
 SB 89-Stouffer, with SCS, SA 1 & SSA 1  
   for SA 1 (pending)  
 SB 174-Griesheimer and Goodman, with  
   SCS, SS#2 for SCS & SA 2 (pending)

SCS for SB 189-Shields  
 SB 216-Scott, with SCS  
 SBs 223 & 226-Goodman, with SCS (pending)  
 SB 236-Lembke  
 SBs 261, 159, 180 & 181-Bartle and Goodman,  
   with SCS, SS#3 for SCS & SA 1 (pending)  
 SB 264-Mayer  
 SB 284-Lembke, et al

## CONSENT CALENDAR

### Senate Bills

#### Reported 3/11

SB 513-Dempsey  
 SB 396-Justus  
 SB 421-Pearce  
 SB 435-Lembke  
 SB 296-Scott  
 SB 276-Barnitz  
 SB 337-Rupp  
 SB 468-Justus, with SCS  
 SB 338-Rupp, with SCS  
 SB 318-Lembke, with SCS  
 SB 398-Barnitz  
 SB 357-Purgason

SB 485-Pearce  
 SB 480-Shoemyer  
 SB 394-Ridgeway, with SCS  
 SB 464-Stouffer  
 SB 447-Pearce  
 SB 399-Justus  
 SB 387-Barnitz  
 SB 386-Lager  
 SB 377-Rupp  
 SB 266-Mayer  
 SB 253-Justus, with SCS  
 SB 526-Clemens

#### Reported 3/12

SB 507-Callahan  
 SB 563-Smith, with SCS

SB 411-Crowell, with SCS  
 SB 161-Crowell

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order (pending)  
 SCR 7-Pearce

SR 207-Lembke and Smith, with SCS &  
 SS for SCS (pending)

SCR 11-Bartle, et al  
SCR 14-Schmitt

SCR 21-Clemens  
SCR 10-Rupp

To be Referred

HCS for HCRs 22 & 25

HCR 13-Guest, et al

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTIETH DAY—TUESDAY, MARCH 24, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“To be intelligent is to be open-minded, active-memored, and persistently experimental.” (Leo Stein, “Journey into the Self”)

Almighty God, the challenges continue to come and we need to use our intelligence and wisdom to do things in new and creative ways. So we call upon You for Your help to open our minds and see the world about us in new ways and try things differently. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Nodler assumed the Chair.

## RESOLUTIONS

Senator Engler offered Senate Resolution No. 576, regarding Roosevelt Elementary School, Farmington R-VII School District, which was adopted.

Senator Engler offered Senate Resolution No. 577, regarding Washington-Franklin Elementary School, Farmington R-VII School District, which was adopted.

Senator Purgason offered Senate Resolution No. 578, regarding Wayne E. Compton, which was adopted.

Senator Justus offered the following resolution:

### SENATE RESOLUTION NO. 579

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that Senate Rule 71 be amended to read as follows:

“Rule 71. All resolutions proposing amendments to the constitution shall be treated, in all respects, in the introduction and form of proceedings on them in the senate, in the same manner as bills. All other orders and resolutions (except courtesy resolutions) shall be referred to a committee unless the senate otherwise expressly allows by a majority vote of senators elected. Courtesy resolutions will be read only upon request of the senator offering the resolution. Courtesy resolutions shall be printed in the Journal only upon the request of the senator offering the resolution. A senator who wishes to offer a courtesy resolution which is not to be read or printed [may file the resolution with the secretary of senate who will show the resolution in the Journal as having been adopted by the senate] **shall provide a copy of the resolution in draft form to each senator, who shall have five days in which to object to the adoption of the resolution by the senate. Such objection shall be filed with the secretary of the senate. If one or more senators object to the resolution, then the resolution shall not be shown as having been adopted by the senate and shall only contain the signatures of those senators who wish to sign the resolution. If no senator objects to the proposed resolution within five days of having been provided a draft copy of the resolution, then the secretary of the senate shall prepare properly inscribed copies of the resolution with a notation in the Journal, if the senate is in session, that the resolution has been adopted by the senate.**”.

Senator Crowell offered Senate Resolution No. 580, regarding the 2008-2009 Class 2 District 3 Champion Meadow Heights girls basketball team, which was adopted.

Senator Crowell offered Senate Resolution No. 581, regarding the 2008-2009 Class 3 District 1 Champion Charleston boys basketball team, which was adopted.

## SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 291** be taken up for perfection, which motion prevailed.

Senator Shields offered **SS** for **SB 291**, entitled:

### SENATE SUBSTITUTE FOR SENATE BILL NO. 291

An Act to repeal sections 160.534, 160.730, 163.011, 163.043, 166.300, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof eleven new sections relating to education, with an effective date for a certain section and an emergency clause for certain sections.

Senator Shields moved that **SS** for **SB 291** be adopted.

Senator Rupp assumed the Chair.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19 of said page, by inserting after all of said line the following:

“173.1105. 1. [Beginning with the 2007-08 academic year,] An applicant who is an undergraduate postsecondary student at an approved private or public institution and who meets the other eligibility criteria shall be eligible for financial assistance, with a minimum and maximum award amount as follows:

**(1) For academic years 2009-2010, 2010-2011, 2011-2012, and 2012-2013:**

**(a)** One thousand dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector;

**[(2)] (b)** Two thousand one hundred fifty dollars maximum and one thousand dollars minimum for students attending institutions classified as part of the public four-year sector, including Linn State Technical College; and

**[(3)] (c)** Four thousand six hundred dollars maximum and two thousand dollars minimum for students attending approved private institutions.

**(2) For the 2013-14 academic year and subsequent years:**

**(a)** One thousand dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector; and

**(b)** Two thousand eight hundred fifty dollars maximum and one thousand five hundred dollars minimum for students attending institutions classified as part of the public four-year sector, including Linn State Technical College, or approved private institutions.

2. All students with an expected family contribution of twelve thousand dollars or less shall receive at least the minimum award amount for his or her institution. Maximum award amounts for an eligible student with an expected family contribution above seven thousand dollars shall be reduced by ten percent of the maximum expected family contribution for his or her increment group. Any award amount shall be reduced by the amount of a student's [reimbursement pursuant to section 160.545, RSMo] **payment from the A+ schools program or its successor**. For purposes of this subsection, the term “increment group” shall mean a group organized by expected family contribution in five hundred dollar increments into which all eligible students shall be placed.

3. If appropriated funds are insufficient to fund the program as described, the maximum award shall be reduced across all sectors by the percentage of the shortfall. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used to increase the number of recipients by raising the cutoff for the expected family contribution rather than by increasing the size of the award.

4. Every three years, beginning with academic year 2009-10, the award amount may be adjusted to increase no more than the Consumer Price Index for All Urban Consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, for the previous academic year. The coordinating board shall prepare a report prior to the legislative session for use of the general assembly and the governor in determining budget requests which shall include the amount of funds necessary to maintain full funding of the program based on the baseline

established for the program upon the passage of sections 173.1101 to 173.1107. Any increase in the award amount shall not become effective unless an increase in the amount of money appropriated to the program necessary to cover the increase in award amount is passed by the general assembly.”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted.

Senator Crowell raised the point of order that **SA 1** is out of order as it goes beyond the scope of the legislation pursuant to Senate Rule 57.

The point of order was referred to President Pro Tem Shields who ruled it well taken.

Senator Green offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 291, Page 21, Section 163.043, Line 16 of said page, by inserting after all of said line the following:

**“163.095. For any district in the county with a charter form of government and with more than one million inhabitants that in calendar year 2005 (school year 2005-2006) erroneously set a levy in the capital projects fund rather than the incidental fund and reported the capital projects amount to the county for which the county issued tax notices and the district received taxes for calendar year 2005, the department of elementary and secondary education shall calculate the amount the district would have received in state school aid for fiscal year 2006 had the district placed the levy in the incidental fund rather than the capital projects fund and use this revised 2005-2006 calculated funding amount in the distribution of state school aid for fiscal year 2007 and subsequent years. The sum of the amounts due to the school district in state school aid after recalculation for fiscal years 2007, 2008, 2009, and 2010, shall be divided and distributed to the school district in equal amounts in fiscal years 2010, 2011, 2012, and 2013. The calculation shall not change the actual funding due the district for the 2005-2006 school year.”; and**

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after all of said line the following:

**“162.225. 1. When the voters in any two or more school districts located, or whose territory is ninety percent located, in a county of the third classification without a township form of government and with more than thirty-seven thousand two hundred but fewer than thirty-seven thousand three hundred inhabitants without limitation as to size and enrollment desire to reorganize and form a single new district and to create subdistricts within the single new district based upon the preexisting school district boundary lines, a petition asking for an election upon the question shall be filed with the board of education of the affected districts. Such petition shall be signed by the greater of the following numbers:**



(1) Ten percent of those in each district who voted for school board members at the last election in which such members were elected; or

(2) One hundred voters.

2. As an alternative to the procedure in subsection 1 of this section, two or more school districts, which are located, or whose territory is ninety percent located in a county of the third classification without a township form of government and with more than thirty-seven thousand two hundred but fewer than thirty-seven thousand three hundred inhabitants may, by a majority vote of each board of education, call for an election upon the question of reorganizing and forming a single new district with subdistricts within the single new district based upon the preexisting school district boundary lines.

3. The question shall be submitted in substantially the following form:

“Shall the .... school district and the ..... school district (and the .... school district) form a single new district in which these school districts would become subdistricts within the single new district based upon the preexisting school district boundary lines with a tax rate ceiling of ..... per one hundred dollars of assessed valuation? If this proposition is approved, the adjusted operating levy of the new school district is estimated to be .... (amount) per one hundred dollars of assessed valuation.”

☐ YES

☐ NO

4. The board of education of each affected district shall cause a question as described in subsection 3 that originated from a petition as described in subsection 1 to be included on the ballot to be submitted to the voters in each such district at the next general election day as defined in section 115.121, RSMo. Any such subsequent question shall only be included on the ballot to be submitted to the voters at the next general election day in a presidential year as defined in section 115.121. The board of education of each affected district shall cause a question as described in subsection 3 that originated from a majority vote of boards of education as described in subsection 2 to be submitted at the next general election day as defined in section 115.121. A plat of the proposed new district and subdistricts shall be published and posted with the notices of election.

5. The results of the voting on the proposal in each district affected shall be certified to the commissioner of education by the secretary of each board of education of each district or by such other person or body charged with conducting such elections. If a majority of the votes cast on the proposal by the qualified voters within each school district voting thereon are in favor of the proposal, the school districts shall be reorganized as one district with subdistricts within the single new district based upon the preexisting school district boundary lines. The commissioner of education shall declare the new district formed as of July first following the submission of the question. If a majority of the votes cast on the proposal by the qualified voters within each school district voting thereon are not in favor of the proposal, the school districts shall not be reorganized.

6. Upon the effective date of the reorganization, all indebtedness, property, records, and money on hand belonging thereto shall immediately pass to the new school district. The new district shall faithfully perform all existing contracts and assume all legal obligations of the prior school districts.

7. A vote of the people shall be required for the closing of a facility used for student instruction if such a closing would result in a subdistrict no longer having a facility used for student instruction. A vote of the people shall not be required for the closing of a facility used for student instruction if

the school district constructs a replacement facility for student instruction within that subdistrict or if other facilities used for student instruction exist within that subdistrict. A vote of the people shall not be required for the closing of a facility not used for student instruction. The district's board of education shall cause the question of the closure of such a facility used for student instruction to be included on the ballot to be submitted to the voters in the subdistrict in which the facility used for student instruction is located at the next election day, upon the occurrence of the following:

(1) Receipt of a petition setting forth such fact signed by the greater of the following numbers:

(a) Ten percent of those in the subdistrict in which the facility used for student instruction is located who voted for school board members at the last election in which such members were elected; or

(b) One hundred voters of the subdistrict in which the facility used for student instruction is located; or

(2) A majority vote of the board of education.

The question shall be submitted in substantially the following form:

“Shall the ... (facility used for student instruction) be closed effective the ... day of ...?”

☐ YES

☐ NO

The results of the voting on the proposal shall be certified to the commissioner of education and the district's board of education by such person or body charged with conducting such elections. If a majority of the votes cast on the proposal by the qualified voters in the subdistrict voting thereon are in favor of the proposal, then the commissioner of education shall declare the facility used for student instruction closed on the effective date identified in the proposal. If a majority of the votes cast on the proposal by the qualified voters in the subdistrict voting thereon are not in favor of the proposal, then the facility used for student instruction shall not be closed.

8. A vote of the people shall be required for the modification of a subdistrict boundary line. The district's board of education shall cause the question of the modification of a subdistrict boundary line to be included on the ballot to be submitted to the voters in each subdistrict for which the boundary line would be modified at the next election day, upon the occurrence of the following:

(1) Receipt of a petition setting forth such fact signed by the greater of the following numbers:

(a) Ten percent of those in each subdistrict for which the boundary line would be modified who voted for school board members at the last election in which such members were elected; or

(b) One hundred voters from the subdistricts for which the boundary line would be modified; or

(2) A majority vote of the board of education.

The question shall be submitted in substantially the following form:

“Shall the boundary line between ... subdistrict and ... subdistrict be modified (describe geographic modification in boundary line) effective the ..... day of ....., ....?”

☐ YES

☐ NO

The results of the voting on the proposal shall be certified to the commissioner of education and the

district's board of education by such person or body charged with conducting such elections. If a majority of the votes cast on the proposal by the qualified voters of the subdistricts voting thereon are in favor of the proposal, the commissioner of education shall declare the boundary line modified as of July first following the submission of the question. If a majority of the votes cast on the proposal by the qualified voters in the subdistricts voting thereon are not in favor of the proposal, the boundary line identified in the proposal shall not be modified.

9. A vote of the people shall be required for a restructuring of the grade levels offered within the current attendance center within a subdistrict. The district's board of education shall cause the question of the restructuring of grade levels offered within the current attendance center within the subdistrict to be included on the ballot to be submitted to the voters in the subdistrict at the next election day, upon the occurrence of the following:

(1) Receipt of a petition setting forth such fact signed by the greater of the following numbers:

(a) Ten percent of those in the subdistrict in which the restructuring of grade levels offered would occur who voted for school board members at the last election in which such members were elected; or

(b) One hundred voters from the subdistrict in which the restructuring of grade levels offered would occur; or

(2) A majority vote of the board of education.

The question shall be submitted in substantially the following form:

“Shall the ... subdistrict be restructured to offer grades .... (list grade level) through .... (list grade level) within the ..... (name attendance center) effective the ..... day of ....., ....?”

☐ YES

☐ NO”

The results of the voting on the proposal shall be certified to the commissioner of education and the district's board of education by such person or body charged with conducting such elections. If a majority of the votes cast on the proposal by the qualified voters in the subdistrict voting thereon are in favor of the proposal, the commissioner of education shall declare the grade levels offered within the current attendance center within the subdistrict restructured on the effective date identified in the proposal. If a majority of the votes cast on the proposal by the qualified voters in the subdistrict voting thereon are not in favor of the proposal, the restructuring of grade levels offered within the current attendance center within the subdistrict shall not occur.

10. Notwithstanding any provision of law to the contrary, a school district that is reorganized under this section shall be considered a seven director school district for purposes of other provisions of law.

162.227. For a school district that has been reorganized to contain subdistricts pursuant to section 162.225, the board of education shall consist of seven members. Voters in each subdistrict shall elect one member who resides in that subdistrict to represent and to serve on the board of education. Voters shall also elect a number of at-large members to serve on the board of education. The number of at-large members elected by voters shall be the difference between seven and the number of subdistricts within the school district. Members shall be citizens of the United States and resident taxpayers of the district, who have resided in this state for one year preceding their election or

appointment, and who are at least twenty-four years of age. The term of office for members shall be three years, except as otherwise provided in section 162.228.

**162.228. 1.** If the proposal to reorganize a district pursuant to section 162.225 receives the required majority of the votes cast on the proposition, the terms of office of all school board members of each of the school districts that are to be reorganized into the new school district shall cease on June thirtieth following the submission of the question. The state board of education shall order an election in the district to be held to elect members to serve on the board of education for the district. Such election shall be held on the next general municipal election day. A letter from the commissioner of education, delivered by certified mail to the presiding commissioner of the county commission of the county in which the district formed by the provisions of section 162.225 is assigned shall be the authority for the county commission to proceed with election procedures in the same manner as they would be performed by the district board of education were it in existence. The costs of the election shall be shared equally by the districts that are being reorganized.

**2.** Initial school board members shall be elected in the following manner:

(1) The at-large member or members, as determined in section 162.227, shall be elected to serve until a successor is sworn in after the results of the first subsequent general municipal election.

(2) The number of school board members elected to serve until a successor is sworn in after the results of the second subsequent general municipal election shall be the difference between seven and the number of at-large members, divided by two, rounded up to the nearest whole number.

(3) The number of board members elected to serve until a successor is sworn in after the results of the third subsequent general municipal election shall be the difference between seven and the sum of the board members elected in subdivision 1 and subdivision 2 of this subsection.

(4) The commissioner of education, or his or her designee, shall supervise a drawing, by lot, to determine which elected school board members shall serve until a successor is sworn in after the results of the second subsequent general municipal election and the third subsequent general municipal election, as provided in subdivision (2) and subdivision (3) of this subsection. The state board of education shall approve the drawing by lot.

(5) Subsequent board members shall be elected to serve terms three year in length.

School board members elected under this subsection shall take office on July first following the election, as described in subsection 1 of this section.

**3.** In the event there is insufficient time to hold an election for school board members between the date that the commissioner of education declares the formation of the new district and the actual date of the new district's formation, seven board members from the boards of the reorganizing districts shall be drawn by lot to serve until the next election at which the new board of education can be elected. The number of board members selected from one district shall not exceed the quotient resulting from seven divided by the number of districts reorganizing rounded down to the nearest whole number plus one. The commissioner of education, or his or her designee, shall supervise the drawing, by lot, of the board members which shall be approved by the state board of education.

**162.229.** The tax rates of any two or more school districts reorganizing under section 162.225 shall be determined pursuant to section 162.202, RSMo.

162.241. If a proposal to form a district pursuant to the provisions of sections 162.171 to 162.191, 162.211 and 162.221, [or section] 162.223, **162.1200, or 162.1201** receives the required majority of the votes cast on the proposition, the state board of education or the county commission, in the case of a district formed pursuant to the provisions of sections 162.171 to 162.191 or 162.211 and 162.221, shall order an election in the district to be held. This election shall be for the purpose of electing seven members to serve on the school board of the district. Such election shall be held on the next election day as provided under section 115.123, RSMo, **except for a school district formed under section 162.1200 or 162.1201, in which case an election shall be held on the next general municipal election day.** The election shall be conducted in the manner provided by section 162.371. A letter from the commissioner of education, delivered by certified mail to the presiding commissioner of the county commission of the county to which the district formed by provisions of section 162.223 is assigned shall be the authority for the county commission to proceed with election procedures in the same manner as they would be performed by the district board of education were it in existence; but the costs of the election shall be paid from the incidental fund of the new district. Two directors shall be elected to serve until the next municipal election, two to serve until the second municipal election, and two to serve until the third municipal election. The seventh board member shall be elected to serve until the municipal election during which the majority of school districts elect three board members.

162.291. The voters of each seven-director district other than urban districts **or a school district that has been reorganized to contain subdistricts pursuant to section 162.225,** shall, at general municipal elections, elect two directors who are citizens of the United States and resident taxpayers of the district, who have resided in this state for one year next preceding their election or appointment, and who are at least twenty-four years of age.

162.459. 1. Notwithstanding other provisions of law to the contrary, the school board of each school district designated in the statutes as a seven-director, seven-director or urban school district, except an urban district containing the greater part of a city of more than three hundred thousand inhabitants, shall consist of seven members. At the first election for members of the school board in each of such districts after January 1, 1993, and each three years thereafter, three members of the school board shall be elected, **except in a school district that has been reorganized to contain subdistricts pursuant to section 162.225;** except, no school district composed of seven members as of January 1, 1993, shall be required to modify its schedule of electing board members.

2. Provisions of law applicable to seven-director, seven-director and urban school districts, except those which conflict with the provisions of this section, shall apply to and govern the school districts designated in subsection 1 of this section.

**162.1200. 1. The voters in any two or more school districts located, or whose territory is ninety percent located, in a county of the third classification without a township form of government and with more than thirty-seven thousand two hundred but fewer than thirty-seven three hundred inhabitants without limitation as to size and enrollment may establish a new and separate seven director school district to provide educational instruction for grades nine through twelve. The boundary lines of such a school district shall be coterminous with the boundary lines of the school districts from which the voters established the school district providing educational instruction for grades nine through twelve. A petition asking for an election upon the question shall be filed with the board of education of each of the affected districts. Such petition shall be signed by the greater of the following numbers:**

**(1) Ten percent of those in each district who voted for school board members at the last election in which such members were elected; or**

**(2) One hundred voters.**

**2. As an alternative to the procedure in subsection 1 of this section, two or more school districts, which are located, or whose territory is ninety percent located in a county of the third classification without a township form of government and with more than thirty-seven thousand two hundred but fewer than thirty-seven thousand three hundred inhabitants may, by a majority vote of each board of education, call for an election upon the question of establishing a new and separate seven director school district to provide educational instruction for grades nine through twelve. The boundary lines of such a school district shall be coterminous with the boundary lines of the school districts from which the boards of education voted to establish the school district providing educational instruction for grades nine through twelve.**

**3. The question shall be submitted in substantially the following form:**

**“Shall there be formed a new seven director school district to provide grades nine through twelve that shall be coterminous with the boundaries of ..... school district and ..... school district (and ..... school district) with a tax rate ceiling of ..... per one hundred dollars of assessed valuation?”**

☐ **YES**

☐ **NO**

**4. The board of education of each affected district shall cause a question as described in subsection 3 that originated from a petition as described in subsection 1 to be included on the ballot to be submitted to the voters in each such district at the next general election day as defined in section 115.121, RSMo. Any such subsequent question shall only be included on the ballot to be submitted to the voters at the next general election day in a presidential year as defined in section 115.121. The board of education of each affected district shall cause a question as described in subsection 3 that originated from a majority vote of boards of education as described in subsection 2 to be submitted at the next general election day as defined in section 115.121. A plat of the proposed new district and subdistricts shall be published and posted with the notices of election.**

**5. The results of the voting on the proposal in each district affected shall be certified to the commissioner of education by the secretary of the board of education of each district or by such other person or body charged with conducting such elections. If a majority of the votes cast on the proposal by the qualified voters within each school district voting thereon are in favor of the proposal, the new district shall be formed. The commissioner of education shall declare the new district formed as of July first following the election. If a majority of the votes cast on the proposal by the qualified within each school district voting thereon are not in favor of the proposal, the new district shall not be formed.**

**6. If a proposal to form a new school district under this section receives the required majority of votes cast, an election for school board members shall be held as provided in section 162.241.**

**7. A school district established under this section may issue bonds and levy and collect taxes and possess the same corporate powers as seven director school districts in this state.**

**8. If a proposal to form a new school district to provide grades nine through twelve under this**

section receives the required majority of votes cast, any affected school district that already provides grades nine through twelve shall cease to provide grades nine through twelve upon the effective date of the formation of the new district.

**162.1201. 1.** The voters in any two or more school districts that do not maintain an accredited high school which are located, or whose territory is ninety percent located, in a county of the third classification without a township form of government and with more than thirty-seven thousand two hundred but fewer than thirty-seven thousand three hundred inhabitants without limitation as to size and enrollment may establish a new and separate seven director school district to provide educational instruction for grades nine through twelve. The boundary lines of such a school district shall be coterminous with the boundary lines of the school districts from which the voters established the school district providing educational instruction for grades nine through twelve. A petition asking for an election upon the question shall be filed with the board of education of each of the affected districts. Such petition shall be signed by the greater of the following numbers:

(1) Ten percent of those in each district who voted for school board members at the last election in which such members were elected; or

(2) One hundred voters.

2. As an alternative to the procedure in subsection 1 of this section, two or more school districts, which are located, or whose territory is ninety percent located in a county of the third classification without a township form of government and with more than thirty-seven thousand two hundred but fewer than thirty-seven thousand three hundred inhabitants may, by a majority vote of each board of education, call for an election upon the question of establishing a new and separate seven director school district to provide educational instruction for grades nine through twelve. The boundary lines of such a school district shall be coterminous with the boundary lines of the school districts from which the boards of education voted to establish the school district providing educational instruction for grades nine through twelve.

3. The question shall be submitted in substantially the following form:

“Shall there be formed a new seven director school district to provide grades nine through twelve that shall be coterminous with the boundaries of ..... school district and ..... school district (and ..... school district) with a tax rate ceiling of ..... per one hundred dollars of assessed valuation?”

☐ YES

☐ NO

4. The board of education of each affected district shall cause a question as described in subsection 3 that originated from a petition as described in subsection 1 to be included on the ballot to be submitted to the voters in each such district at the next general election day as defined in section 115.121, RSMo. Any such subsequent question shall only be included on the ballot to be submitted to the voters at the next general election day in a presidential year as defined in section 115.121. The board of education of each affected district shall cause a question as described in subsection 3 that originated from a majority vote of boards of education as described in subsection 2 to be submitted at the next general election day as defined in section 115.121. A plat of the proposed new district and subdistricts shall be published and posted with the notices of election.

5. The results of the voting on the proposal in each district affected shall be certified to the

commissioner of education by the secretary of the board of education of each district or by such other person or body charged with conducting such elections. If a majority of the votes cast on the proposal by the qualified voters within each school district voting thereon are in favor of the proposal, the new district shall be formed. The commissioner of education shall declare the new district formed as of July first following the election. If a majority of the votes cast on the proposal by the qualified voters within each school district voting thereon are not in favor of the proposal, the new district shall not be formed.

6. If the proposal to form a new school district under this section receives the required majority of votes cast, an election for school board members shall be held as provided in section 162.241.

7. A school district established under this section may issue bonds and levy and collect taxes and possess the same corporate powers as seven director school districts in this state.”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Days offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after said line the following:

“162.083. 1. The state board of education may appoint additional members to any special administrative board appointed pursuant to section 162.081.

2. The state board of education may set a final term of office for any member of a special administrative board, after which a successor member shall be elected by the voters of the district.

(1) All final terms of office for members of the special administrative board established under this section shall expire on June thirtieth.

(2) The election of a successor member shall occur on the general municipal election day immediately prior to the expiration of the final term of office.

(3) The election shall be conducted in a manner consistent with the laws applicable to elections in seven-director districts.

3. Nothing in this section shall be construed as barring an otherwise qualified member of the special administrative board standing for an elected term on the board.

4. Should the state board of education appoint a successor member to replace the chair of the special administrative board, the serving members of the special administrative board shall be authorized to appoint a superintendent of schools and contract for his or her services.

5. On a date set by the state board of education, any district operating under the governance of a special administrative board shall return to local governance, and continue operation as a seven-director district as otherwise authorized by law.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.



Senator Justus offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after all of said line the following:

“162.492. 1. In all urban districts containing the greater part of the population of a city which has more than three hundred thousand inhabitants the terms of the members of the board of directors in office in 1967 shall continue until the end of the respective terms to which each of them has been elected to office and in each case thereafter until the next school election be held and until their successors, then elected, are duly qualified as provided in this section.

2. In each urban district designated in subsection 1, the election authority of the city in which the greater portion of the school district lies, and of the county if the district includes territory not within the city limits, shall serve ex officio as a redistricting commission. The commission shall on or before November 1, 1969, divide the school district into six subdistricts, all subdistricts being of compact and contiguous territory and as nearly equal in the number of inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions as soon as practicable after each United States decennial census. In establishing the subdistricts each member shall have one vote and a majority vote of the total membership of the commission is required to make effective any action of the commission.

3. School elections for the election of directors shall be held on municipal election days in each even-numbered year. At the election in 1970, one member of the board of directors shall be elected by the voters of each subdistrict. The seven candidates, one from each of the subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict shall be elected and the at-large candidate receiving a plurality of the at-large votes shall be elected. In addition to other qualifications prescribed by law, each member elected from a subdistrict must be a resident of the subdistrict from which he is elected. The subdistricts shall be numbered from one to six and the directors elected from subdistricts one, three and five shall hold office for terms of two years and until their successors are elected and qualified, and the directors elected from subdistricts two, four and six shall hold office for terms of four years and until their successors are elected and qualified. Every two years thereafter a member of the board of directors shall be elected for a term of four years and until his successor is elected and qualified from each of the three subdistricts having a member on the board of directors whose term expires in that year. Those members of the board of directors who were in office in 1967 shall, when their terms of office expire, be succeeded by the members of the board of directors elected from subdistricts. In addition to the directors elected by the voters of each subdistrict, additional directors shall be elected at large by the voters of the entire school district as follows: In 1970 one director at large shall be elected for a two-year term. In 1972 one director at large shall be elected for a four-year term. In 1974 two at-large directors shall be elected for a four-year term and thereafter in alternative elections one director shall be elected for a four-year term and then two directors shall be elected for a four-year term, so that from and after the 1970 election the board of directors not including those members who were in office in 1967 shall consist of seven members until the 1974 election and thereafter the board shall consist of nine members. In those years in which one at-large director is to be elected each voter may vote for one candidate and the candidate receiving a plurality of votes cast shall be elected. In those years in which two at-large directors are to be elected each voter may vote for two candidates and the two receiving the largest number of votes cast shall be elected.

4. The six candidates, one from each of the subdistricts, who receive a plurality of the votes cast by the

voters of that subdistrict and the at-large candidates receiving a plurality of the at-large votes shall be elected. The name of no candidate for nomination shall be printed on the ballot unless the candidate has at least sixty days prior to the election filed a declaration of candidacy with the secretary of the board of directors containing the signatures of at least two hundred fifty registered voters who are residents of the subdistrict within which the candidate for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of at least five hundred registered voters. The election authority shall determine the validity of all signatures on declarations of candidacy.

5. In any election either for at-large candidates or candidates elected by the voters of subdistricts, if there are more than two candidates, a majority of the votes are not required to elect but the candidate having a plurality of the votes if there is only one office to be filled and the candidates having the highest number of votes, if more than one office is to be filled, shall be elected.

6. The names of all candidates shall appear upon the ballot without party designation and in the order of the priority of the times of filing their petitions of nomination. No candidate may file both at large and from a subdistrict and the names of all candidates shall appear only once on the ballot, nor may any candidate file more than one declaration of candidacy. All declarations shall designate the candidate's residence and whether the candidate is filing at large or from a subdistrict and the numerical designation of the subdistrict or at-large area.

7. The provisions of all sections relating to seven-director school districts shall also apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to the extent applicable and not in conflict with the provisions of those sections specifically relating to such urban districts.

8. Vacancies which occur on the school board between the dates of election shall be filled by [majority vote of the remaining members of the school board to serve until the time of the next regular school board election. Subdistrict director vacancies shall be filled by appointment of a resident of the subdistrict in which the vacancy occurs] **special election if such vacancy happens more than six months prior to the time of holding a general municipal election, as provided in section 115.121, RSMo. The state board of education shall order a special election to fill such a vacancy. A letter from the commissioner of education, delivered by certified mail to the election authority or authorities that would normally conduct an election for school board members shall be the authority for the election authority or authorities to proceed with election procedures. If a vacancy occurs less than six months prior to the time of holding a general municipal election, no special election shall occur and the vacancy shall be filled at the next general municipal election.**"; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after all of said line the following:

**"162.1168. 1. There is hereby established a pilot program within the Missouri preschool project to be known as the "Missouri Preschool Plus Grant Program", which shall serve up to one thousand two hundred fifty students with high quality early childhood educational services in order to improve**

school readiness outcomes. The program shall be administered by the department of elementary and secondary education in collaboration with the coordinating board for early childhood. Grants shall be awarded in this section for three years and shall be renewable. The program shall be funded through appropriations to the Missouri preschool plus grant program fund. Funds from the gaming commission fund created in section 313.835 shall not be used to fund the program.

2. For purposes of this section, the following terms shall mean:

(1) “Department”, the department of elementary and secondary education;

(2) “Program”, the Missouri preschool plus grant program.

3. Grantees shall include the following:

(1) School districts classified as unaccredited by the state board of education; or

(2) Nonsectarian community-based organizations located within a school district classified as unaccredited by the state board of education.

4. If a school district becomes classified as provisionally accredited or accredited by the state board of education, the school district may complete the length of an existing grant and shall be eligible for one additional renewal for three years.

5. To receive a preschool placement under this section, a child shall be one or two years away from kindergarten entry.

6. The Missouri preschool plus grant program shall comply with the standards developed under section 161.213, RSMo. Public school grantees shall employ teachers with a bachelor's degree. Nonsectarian community-based organizations may employ teachers with at least an associate's degree provided such teachers demonstrate they are on the path to obtaining a bachelor's degree within five years.

7. Families with incomes less than one hundred thirty percent of the federal poverty guidelines shall receive free services through eligible grantees. Families with incomes at or above one hundred thirty percent of the federal poverty guidelines may be charged a co-pay on a sliding scale, as established by the department.

8. At least fifty percent of the preschool placements funded by the program shall be offered through non-sectarian community-based organizations.

9. The department shall develop standards for teacher-pupil ratios, classroom size, teacher training and educational attainment, and curriculum.

10. Grantees participating in the program shall give admission preference to dependents of active duty military personnel.

11. School districts in which such pilot programs exist shall collect data about short-term and long-term student performance so that the program may be evaluated on quantitative measurements developed by the department. For purposes of this subsection, “long-term” shall mean from point of entry to graduation from high school.

12. Grantees shall coordinate preschool programs with the nearest parents as teachers site to ensure a continuum of care.

**13. The department shall accept applications in a competitive bid process to begin implementation of the program for the 2010-2011 school year.**

**14. The department shall promulgate rules and regulations necessary to implement this section by January 1, 2010. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

**15. The general assembly shall appropriate an amount sufficient to adequately fund the provisions of this section, which shall be a minimum of five million dollars in any fiscal year.**

**16. There is hereby created in the state treasury the “Missouri Preschool Plus Grant Program Fund” which shall consist of general revenue appropriated to the program, funds received from the federal government, and voluntary contributions to support or match program activities. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**17. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14 of said page, by inserting after all of said line the following:

**“161.380. 1. Each public school shall develop standards for teaching no later than June 30, 2010. The standards shall be applicable to all public schools, including public charter schools operated by the board of a school district.**

**2. Teaching standards shall include, but not be limited to, the following:**

- (1) Students actively participate and are successful in the learning process;**
  - (2) Various forms of assessment are used to monitor and manage student learning;**
  - (3) The teacher is prepared and knowledgeable of the content and effectively maintains students' on-task behavior;**
  - (4) The teacher uses professional communication and interaction with the school community;**
  - (5) The teacher keeps current on instructional knowledge and seeks and explores changes in teaching behaviors that will improve student performance; and**
  - (6) The teacher acts as a responsible professional in the overall mission of the school.**
- 3. The department may provide assistance to public schools in developing these standards upon request.”; and**

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer assumed the Chair.

Senator Dempsey offered **SA 8**:

**SENATE AMENDMENT NO. 8**

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 162.1250, Line 26, by inserting at the end of said line the following:

**“Nothing in this section shall preclude a private, parochial, or home school student residing within a school district offering virtual school courses from enrolling in the school district in accordance with the combined enrollment provisions of section 167.031, RSMo, for the purposes of participating in the virtual school courses.”.**

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Engler assumed the Chair.

Senator Griesheimer assumed the Chair.

Senator Lager offered **SA 9**:

**SENATE AMENDMENT NO. 9**

Amend Senate Substitute for Senate Bill No. 291, Page 1, Section A, Line 6, by inserting after said line the following:

**“160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 178, RSMo, the following terms mean:**

- (1) “District” or “school district”, when used alone, may include seven-director, urban, and metropolitan school districts;**
- (2) “Elementary school”, a public school giving instruction in a grade or grades not higher than the eighth grade;**
- (3) “Family literacy programs”, services of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families that include:**

- (a) Interactive literacy activities between parents and their children;
- (b) Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;
- (c) Parent literacy training that leads to high school completion and economic self sufficiency; and
- (d) An age-appropriate education to prepare children of all ages for success in school;
- (4) “Graduation rate”, the quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus the number of twelfth graders who dropped out in the current year plus the number of eleventh graders who dropped out in the preceding year plus the number of tenth graders who dropped out in the second preceding year plus the number of ninth graders who dropped out in the third preceding year;
- (5) “High school”, a public school giving instruction in a grade or grades not lower than the ninth nor higher than the twelfth grade;
- (6) “Metropolitan school district”, any school district the boundaries of which are coterminous with the limits of any city which is not within a county;
- (7) “Public school” includes all elementary and high schools operated at public expense;
- (8) “School board”, the board of education having general control of the property and affairs of any school district;
- (9) “School term”, a minimum of one hundred seventy-four school days, as that term is defined in section 160.041, **for schools with a five-day school week or a minimum of one hundred forty-two school days, as that term is defined in section 160.041, for schools with a four-day school week**, and one thousand forty-four hours of actual pupil attendance as scheduled by the board pursuant to section 171.031, RSMo, during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district. A “school term” may be within a school year or may consist of parts of two consecutive school years, but does not include summer school. A district may choose to operate two or more terms for different groups of children;
- (10) “Secretary”, the secretary of the board of a school district;
- (11) “Seven-director district”, any school district which has seven directors and includes urban districts regardless of the number of directors an urban district may have unless otherwise provided by law;
- (12) “Taxpayer”, any individual who has paid taxes to the state or any subdivision thereof within the immediately preceding twelve-month period or the spouse of such individual;
- (13) “Town”, any town or village, whether or not incorporated, the plat of which has been filed in the office of the recorder of deeds of the county in which it is situated;
- (14) “Urban school district”, any district which includes more than half of the population or land area of any city which has not less than seventy thousand inhabitants, other than a city which is not within a county.

160.041. 1. The “minimum school day” consists of three hours **for schools with a five-day school week or four hours for schools with a four-day school week** in which the pupils are under the guidance and direction of teachers in the teaching process. A “school month” consists of four weeks of five days each **for schools with a five-day school week or four weeks of four days each for schools with a four-day school**

**week.** The “school year” commences on the first day of July and ends on the thirtieth day of June following.

2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of education is authorized to reduce the required number of hours and days in which the pupils are under the guidance and direction of teachers in the teaching process if:

(1) There is damage to or destruction of a public school facility which requires the dual utilization of another school facility; or

(2) Flooding or other inclement weather as defined in subsection 1 of section 171.033, RSMo, prevents students from attending the public school facility.

Such reduction shall not extend beyond two calendar years in duration.”; and

Further amend said bill, page 26, section 166.300, line 19, by inserting after said line the following:

**“171.029. The school board of any school district in the state, upon adoption of a resolution by the vote of a majority of all its members to authorize such action, may establish a four-day school week in lieu of a five-day school week. Upon adoption of a four-day school week, any school that adopts a four-day school week shall file a calendar with the department of elementary and secondary education in accordance with section 171.031. Such calendar shall include, but not be limited to, a minimum term of one hundred forty-two days and one thousand forty-four hours of actual pupil attendance.**

171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days **for schools with a five-day school week or one hundred forty-two school days for schools with a four-day school week**, and one thousand forty-four hours of actual pupil attendance. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033.

2. Each local school district may set its opening date each year, which date shall be no earlier than ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section.

3. A district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031, RSMo, for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of

subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

7. No school day **for schools with a five-day school week** shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county, **and any school that adopts a four-day school week in accordance with section 171.029.**

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

2. A district shall be required to make up the first six days of school lost or canceled due to inclement weather and half the number of days lost or canceled in excess of six days. **Schools with a four-day school week may schedule such make-up days on the weekday for which school would normally not be in session.**

3. In the 2005-06 school year, a school district may be exempt from the requirement to make up days of school lost or canceled due to inclement weather occurring after April 1, 2006, in the school district, but such reduction of the minimum number of school days shall not exceed five days when a district has missed more than seven days overall, such reduction to be taken as follows: one day for eight days missed, two days for nine days missed, three days for ten days missed, four days for eleven days missed, and five days for twelve or more days missed. The requirement for scheduling two-thirds of the missed days into the next year's calendar pursuant to subsection 1 of this section shall be waived for the 2006-07 school year.

4. The commissioner of education may provide, for any school district in which schools are in session for twelve months of each calendar year that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days **for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week** and one thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather, flooding or fire."; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

At the request of Senator Shields, **SB 291**, with **SS** and **SA 9** (pending), was placed on the Informal Calendar.

## **REFERRALS**

President Pro Tem Shields referred **SR 579** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 14**, as amended, and has taken up and passed **SCS** for **HCS** for **HB 14**, as amended.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.



**RECESS**

The time of recess having expired, the Senate was called to order by Senator Lager.

**RESOLUTIONS**

Senator Pearce offered Senate Resolution No. 582, regarding Chief Warrant Officer Dean Stonner, Lee's Summit, which was adopted.

Senator Bray offered Senate Resolution No. 583, regarding Captain Kevin J. Noland, St. Louis County, which was adopted.

Senator Bray offered Senate Resolution No. 584, regarding Missouri Votes Conservation, which was adopted.

Senator Rupp offered Senate Resolution No. 585, regarding the Boys & Girls Clubs of Missouri, which was adopted.

Senator Engler offered Senate Resolution No. 586, regarding Nancy Bullis, Farmington, which was adopted.

Senator Griesheimer offered Senate Resolution No. 587, regarding Lynn Michael Dorrell, Washington, which was adopted.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 229**, entitled:

An Act to repeal sections 143.111, 143.113, 354.536, 376.426, 376.450, 376.453, 376.776, 379.930, 379.940, and 379.952, RSMo, and to enact in lieu thereof eleven new sections relating to health insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**SENATE BILLS FOR PERFECTION**

Senator McKenna moved that **SB 130**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 130**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 130**

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the use of electronic wireless telecommunication devices while operating a motor vehicle upon the highways of this state, with penalty provisions.

Was taken up.

Senator McKenna moved that **SCS** for **SB 130** be adopted.

Senator McKenna offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 130, Page 2, Section 304.820, Lines 41-42, by striking the following: “a class C misdemeanor” and inserting in lieu thereof the following: “**an infraction**”.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that **SCS** for **SB 130**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **SB 130**, as amended, was declared perfected and ordered printed.

President Pro Tem Shields assumed the Chair.

## SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **HCS** for **HB 14**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Lager assumed the Chair.

## SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 167**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS** for **SB 167**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 167

An Act to repeal section 376.995, RSMo, and to enact in lieu thereof two new sections relating to insurance coverage for the diagnosis and treatment of autism spectrum disorders.

Was taken up.

Senator Rupp moved that **SCS** for **SB 167** be adopted.

Senator Rupp offered **SS** for **SCS** for **SB 167**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 167

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for the diagnosis and treatment of autism spectrum disorders.

Senator Rupp moved that **SS** for **SCS** for **SB 167** be adopted.

Senator Purgason offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 167, Page 8, Section 376.1224, Line 2, by inserting immediately after all of said line the following:

**“In addition, the provisions of this section shall not apply to a health benefit plan issued to a small employer under sections 379.930 to 379.952, RSMo, except that health carriers shall offer such small employer the coverage prescribed in this section as an optional benefit to that plan.”.**

Senator Purgason moved that the above amendment be adopted, which motion failed.

Senator Pearce assumed the Chair.

Senator Rupp moved that **SS** for **SCS** for **SB 167** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **SB 167** was declared perfected and ordered printed.

Senator Rupp moved that **SB 65** and **SB 43**, with **SCS**, be taken up for perfection, which motion prevailed.

President Pro Tem Shields assumed the Chair.

**SCS** for **SBs 65** and **43**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 65 and 43

An Act to repeal sections 130.047, 407.1095, 407.1098, -----407.1101, 407.1104, 407.1107, and 407.1110, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls.

Was taken up.

Senator Rupp moved that **SCS** for **SBs 65** and **43** be adopted.

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 65 and 43, Page 3, Section 407.1095, Line 28, by inserting immediately after the word “purpose” the following: **“and is not considered a push poll”**; and

Further amend said bill and section, page 3, line 39, by inserting immediately after said line the following:

**“(5) “Push poll”, a paid telephone survey, or series of similar telephone surveys, that reference a candidate or group of candidates other than in a basic preference question, and in which:**

**(a) A list or directory is used, exclusively or in part, to select respondents belonging to a particular subset or combination of subsets of the population, based on demographic or political characteristics such as race, sex, age, ethnicity, party affiliation, or similar types of characteristics;**

**(b) The survey fails to make demographic inquiries on factors such as age, household income, or status as a likely voter sufficient to allow for the tabulation of results based on a relevant subset of the population consistent with standard polling industry practices;**

**(c) The pollster or polling organization does not collect or tabulate the survey results;**

**(d) The survey prefates a question regarding support for a candidate on the basis of an untrue statement; and**

**(e) The survey is primarily for the purpose of suppressing or changing the voting position of the**

**call recipient;**” and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Rupp moved that **SCS** for **SBs 65** and **43**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SBs 65** and **43**, as amended, was declared perfected and ordered printed.

Senator Stouffer moved that **SB 89**, with **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SSA 1** for **SA 1** was again taken up.

At the request of Senator Callahan, the above substitute amendment was withdrawn.

**SA 1** was again taken up.

At the request of Senator Green, the above amendment was withdrawn.

Senator Stouffer offered **SS** for **SCS** for **SB 89**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 89

An Act to repeal sections 198.074, 198.075, 198.096, and 198.525, RSMo, and to enact in lieu thereof five new sections relating to safety in long-term care facilities.

Senator Stouffer moved that **SS** for **SCS** for **SB 89** be adopted.

At the request of Senator Stouffer, **SB 89**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Dempsey moved that **SB 188**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 188**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 188

An Act to repeal sections 311.332, 311.333, 311.334, 311.335, 311.336, 311.338, and 311.490, RSMo, and to enact in lieu thereof five new sections relating to liquor control, with penalty provisions.

Was taken up.

Senator Dempsey moved that **SCS** for **SB 188** be adopted.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 188, Page 1, Section A, Line 4, by inserting after all of said line the following:

“311.060. 1. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good

moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; and no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his **or her** business as such dealer, any person whose license has been revoked or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state.

2. (1) No person, partnership or corporation shall be qualified for a license under this law if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of the stock of such corporation, or other financial interest therein, or ten percent or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the United States, or shall not be a person of good moral character.

(2) No license issued under this chapter or chapter 312, RSMo, shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor [so long as any such employee does not directly participate in retail sales of intoxicating liquor]. Each employer shall report the identity of any employee convicted of a felony to the division of liquor control. The division of liquor control shall promulgate rules to enforce the provisions of this subdivision.

(3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent by weight, except to a resident corporation as defined in this section.

3. A “resident corporation” is defined to be a corporation incorporated under the laws of this state, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying citizens of the county and municipality in which they reside and who shall have been bona fide residents of the state for a period of three years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight, or owned or controlled, directly or indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight.

4. The term “financial interest” as used in this chapter is defined to mean all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of

the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

5. The supervisor shall by regulation require all applicants for licenses to file written statements, under oath, containing the information reasonably required to administer this section. Statements by applicants for licenses as wholesalers and retailers shall set out, with other information required, full information concerning the residence of all persons financially interested in the business to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the supervisor.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Dempsey raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying legislation.

Senator Schmitt assumed the Chair.

The point of order was referred to the President Pro Tem who ruled it not well taken.

President Pro Tem Shields assumed the Chair.

Senator Justus moved that **SA 1** be adopted, which motion prevailed.

Senator Cunningham offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 188, Page 1, Section A, Line 4, by inserting after all of said line the following:

“311.297. 1. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this section, a “sales transaction” shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

2. Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090.

**3. Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples on a licensed retail premises for customer tasting purposes. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with section 311.294 or hold a by-the-drink-for-consumption-on-the-premises-where-**

**sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.”; and**

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for Senate Bill No. 188, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“311.260. 1. No person, corporation, employee, officer, agent, subsidiary, or affiliate thereof, shall:

(1) Have more than [three] **five** licenses; or

(2) Be directly or indirectly interested in any business of any other person, corporation, or employee, officer, agent, subsidiary, or affiliate thereof, who sells intoxicating liquor at retail by the drink for consumption on the premises described in any license; or

(3) Sell intoxicating liquor at retail by the drink for consumption at the place of sale at more than three places in this state.

2. Notwithstanding any other provision of this chapter or municipal ordinance to the contrary, for the purpose of determining whether a person, corporation, employee, officer, agent, subsidiary, or affiliate thereof has a disqualifying interest in more than three licenses pursuant to subsection 1 of this section, there shall not be counted any license to sell intoxicating liquor at retail by the drink for consumption on the following premises:

(1) Restaurants where at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on the premises where sold; or

(2) Establishments which have an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on the premises where sold; or

(3) Facilities designed for the performance of live entertainment and where the receipts for admission to such performances exceed one hundred thousand dollars per calendar year; or

(4) Any establishment having at least forty rooms for the overnight accommodation of transient guests.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey moved that **SCS** for **SB 188**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **SB 188**, as amended, was declared perfected and ordered printed.

Senator Lager moved that **SB 272** be taken up for perfection, which motion prevailed.

Senator Wilson offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Bill No. 272, Page 1, Section A, Line 2, by inserting after all of said line the following:

“260.273. 1. Any person purchasing a new tire may present to the seller the used tire or remains of such used tire for which the new tire purchased is to replace.

2. A fee for each new tire sold at retail shall be imposed on any person engaging in the business of making retail sales of new tires within this state. The fee shall be charged by the retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed at the rate of fifty cents for each new tire sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the department of revenue in the form and manner required by the department of revenue and shall include the total number of new tires sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms “sold at retail” and “retail sales” do not include the sale of new tires to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee.

3. The department of revenue shall administer, collect and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection and enforcement of the general state sales and use tax imposed pursuant to chapter 144, RSMo, except as provided in this section. The proceeds of the new tire fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into an appropriate subaccount of the solid waste management fund, created pursuant to section 260.330.

4. Up to five percent of the revenue available may be allocated, upon appropriation, to the department of natural resources to be used cooperatively with the department of elementary and secondary education for the purposes of developing educational programs and curriculum pursuant to section 260.342.

5. Up to twenty-five percent of the moneys received pursuant to this section may, upon appropriation, be used to administer the programs imposed by this section. Up to five percent of the moneys received under this section may, upon appropriation, be used for the grants authorized in subdivision (2) of subsection 6 of this section and authorized in section 260.274. All remaining moneys shall be allocated, upon appropriation, for the projects authorized in section 260.276, except that any unencumbered moneys may be used for public health, environmental, and safety projects in response to environmental emergencies as determined by the director.

6. The department shall promulgate, by rule, a statewide plan for the use of moneys received pursuant to this section to accomplish the following:

(1) Removal of waste tires from illegal tire dumps;

(2) Providing grants to persons that will use products derived from waste tires, or used waste tires as a fuel or fuel supplement; and

(3) Resource recovery activities conducted by the department pursuant to section 260.276.

7. The fee imposed in subsection 2 of this section shall begin the first day of the month which falls at least thirty days but no more than sixty days immediately following August 28, 2005, and shall terminate January 1, [2010] **2020**.



8. By January 1, 2009, the department shall report to the general assembly a complete accounting of the tire cleanups completed or in progress, the cost of the cleanups, the number of tires remaining, the balance of the fund, and enforcement actions completed or initiated to address waste tires.”; and

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted.

Senator Schaefer raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

Senator Stouffer assumed the Chair.

The point of order was referred to the President Pro Tem who ruled it well taken.

President Pro Tem Shields assumed the Chair.

On motion of Senator Lager, **SB 272** was declared perfected and ordered printed.

Senator Schmitt moved that **SJR 5**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SJR 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 5

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 18(b) and 31 of article VI of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to assessors.

Was taken up.

Senator Schmitt moved that **SCS** for **SJR 5** be adopted.

Senator Smith offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Joint Resolution No. 5, Page 1, Section 31, by striking all of said section from the joint resolution; and

Further amend the title accordingly.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt moved that **SCS** for **SJR 5**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **SJR 5**, as amended, was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 167** and **SCS** for **SB 130**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 18**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 23**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

### **REFERRALS**

President Pro Tem Shields referred **HCS** for **HCRs 22** and **25**; and **HCR 13** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Shields referred **SS** for **SCS** for **SB 167** to the Committee on Governmental Accountability and Fiscal Oversight.

### **INTRODUCTIONS OF GUESTS**

Senator Dempsey introduced to the Senate, fourth grade students from St. Cletus School, St. Charles.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Elie Azrak, M.D., St. Louis.

Senator Pearce introduced to the Senate, Moses Eberly and Carl Hoover, Warrensburg.

Senator Clemens introduced to the Senate, Mr. and Mrs. Jim Sjothun, Mandy Sjothun and her son, Eric Matthew, and Valerie Sjothun, Marshfield; and Eric Matthew was made an honorary page.

Senator Smith introduced to the Senate, Leah Menshouse, St. Louis.

On behalf of the President, Senator Rupp introduced to the Senate, Craig Lalumandier, his wife, Cheryl and their sons, Luke and Jake, Weldon Spring; and Luke and Jake were made honorary pages.

Senator Dempsey introduced to the Senate, Sharon Lee, St. Peters.

Senator Schmitt introduced to the Senate, Josh Foster, Andy Simpson, Mike Stachiw, Pat Hedge, Matt Gonzalez, Jack LaFontain, Mike Shaw, Thomas Finkeneller, Will LaChance and Ben Kremer, members of the Political Action Club, DeSmet High School, St. Louis.

Senator Lembke introduced to the Senate, Josh Foster, St. Louis.

Senator Griesheimer introduced to the Senate, Mike and Chuck Marquart, Washington.

Senator Schmitt introduced to the Senate, Sarah Schwegel and her mother, Sandy, St. Louis; and Darrell Smith, Blue Springs.

Senator Cunningham introduced to the Senate, Dani Corbitt, Chesterfield.

On motion of Senator Engler, the Senate adjourned under the rules.

SENATE CALENDAR

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FORTY-FIRST DAY—WEDNESDAY, MARCH 25, 2009

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 96  
HB 744-Icet  
HB 287-Day, et al  
HB 86-Sutherland  
HCS for HB 242  
HB 65-Wilson (119), et al  
HCS for HB 580  
HCS for HB 82  
HCS for HB 310  
HCS for HB 459  
HCS for HB 111  
HB 289-Wallace  
HB 682-Swinger, et al  
HCS for HB 286  
HCS for HBs 46 & 434  
HB 678-Wasson  
HCS for HB 359  
HB 239-Jones (89), et al  
HCS for HB 740  
HCS for HJR 23

HCS for HB 247  
HCS for HB 236  
HB 91-Pollock, et al  
HCS for HBs 93 & 216  
HB 269-Parson, et al  
HB 488-Schad, et al  
HB 490-Schad, et al  
HB 83-Wood  
HCS for HB 148  
HCS for HB 154  
HB 376-Hobbs, et al  
HB 395-Nance, et al  
HB 218-Ervin  
HB 400-Nasheed, et al  
HB 506-Funderburk, et al  
HCS for HB 251  
HB 259-Tilley  
HCS for HB 124  
HB 69-Storch  
HB 229-Ervin

THIRD READING OF SENATE BILLS

SCS for SB 176-Stouffer  
SS for SB 58-Stouffer (In Fiscal Oversight)

SS for SCS for SB 167-Rupp (In Fiscal Oversight)  
SCS for SB 130-McKenna, et al

SENATE BILLS FOR PERFECTION

1. SB 363-Griesheimer, with SCS  
2. SB 355-Dempsey, with SCS

3. SB 256-Schaefer  
4. SB 307-Dempsey and Rupp

- |                                    |   |
|------------------------------------|---|
| 5. SB 306-Dempsey, et al, with SCS | 13. SB 94-Justus, et al, with SCS           |
| 6. SJR 3-Crowell                   | 14. SB 477-Wright-Jones                     |
| 7. SB 409-Stouffer, with SCS       | 15. SB 141-Smith and Wright-Jones, with SCS |
| 8. SB 364-Clemens and Schaefer     | 16. SB 267-Mayer and Green                  |
| 9. SB 527-Nodler and Bray          | 17. SBs 335 & 16-Rupp, with SCS             |
| 10. SB 539-Schaefer, with SCS      | 18. SBs 207 & 245-Rupp, with SCS            |
| 11. SB 321-Days, et al, with SCS   | 19. SB 172-Green and Cunningham             |
| 12. SB 117-Green, with SCS         |   |

### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 5-Griesheimer, with SCS, SS for SCS &<br>SA 2 (pending)                                | SB 174-Griesheimer and Goodman, with<br>SCS, SS#2 for SCS & SA 2 (pending)                |
| SB 7-Griesheimer, with SS (pending)   | SCS for SB 189-Shields  |
| SB 18-Bray, et al, with SCS & SS for SCS<br>(pending)                                     | SB 216-Scott, with SCS  |
| SB 29-Stouffer  | SBs 223 & 226-Goodman, with SCS (pending)   |
| SBs 45, 212, 136, 278, 279, 285 &<br>288-Pearce, with SCS, SS for SCS &<br>SA 1 (pending) | SB 236-Lembke   |
| SB 57-Stouffer, with SCS  | SBs 261, 159, 180 & 181-Bartle and<br>Goodman, with SCS, SS#3 for SCS &<br>SA 1 (pending) |
| SB 72-Stouffer, with SCS  | SB 264-Mayer  |
| SB 89-Stouffer, with SCS & SS for SCS<br>(pending)  | SB 284-Lembke, et al  |
|   | SB 291-Shields, with SS & SA 9 (pending)  |

### CONSENT CALENDAR

#### Senate Bills

Reported 3/11

- |                |                         |
|----------------|-------------------------|
| SB 513-Dempsey | SB 296-Scott            |
| SB 396-Justus  | SB 276-Barnitz          |
| SB 421-Pearce  | SB 337-Rupp             |
| SB 435-Lembke  | SB 468-Justus, with SCS |

SB 338-Rupp, with SCS  
SB 318-Lembke, with SCS  
SB 398-Barnitz  
SB 357-Purgason  
SB 485-Pearce  
SB 480-Shoemyer  
SB 394-Ridgeway, with SCS  
SB 464-Stouffer

SB 447-Pearce  
SB 399-Justus  
SB 387-Barnitz  
SB 386-Lager  
SB 377-Rupp  
SB 266-Mayer  
SB 253-Justus, with SCS  
SB 526-Clemens

Reported 3/12

SB 507-Callahan  
SB 563-Smith, with SCS

SB 411-Crowell, with SCS  
SB 161-Crowell

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-FIRST DAY—WEDNESDAY, MARCH 25, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Live in such a way that those who know you but don't know God will come to know God because they know you.” (Unknown)

Creator Lord, we are mindful that we are and the way we live is the medium of Your message. Many look closely and carefully at all we do here and make judgements fairly and unfairly but determine what type of people we really are from our behavior. So help us live and be the type of people we profess ourselves to be so that others will truly see You in us and come to know You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Rupp offered Senate Resolution No. 588, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Philip Dennis, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 589, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Sam Mercurio, O'Fallon, which was adopted.

Senator Crowell offered Senate Resolution No. 590, regarding the 2008-2009 Class 1 State Champion Scott County Central boys basketball team, which was adopted.

Senator Ridgeway offered Senate Resolution No. 591, regarding John Dillon, Clay County, which was adopted.

Senators Ridgeway and Days offered Senate Resolution No. 592, regarding Susan G. Komen for the Cure<sup>®</sup>, which was adopted.

Senator Schmitt offered Senate Resolution No. 593, regarding Travis Todd Cayer, Webster Groves, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Griesheimer moved that **SB 5**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Griesheimer, **SS** for **SCS** for **SB 5** was withdrawn rendering the pending amendment moot.

Senator Griesheimer offered **SS No. 2** for **SCS** for **SB 5**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 5

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

Senator Griesheimer moved that **SS No. 2** for **SCS** for **SB 5** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS No. 2** for **SCS** for **SB 5** was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 363**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 363**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 363

An Act to repeal sections 32.063, 136.055, 144.025, 144.060, 144.070, 144.080, 144.100, and 144.130, RSMo, and to enact in lieu thereof ten new sections relating to motor vehicle sales taxes, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 363** be adopted.

President Pro Tem Shields assumed the Chair.

Senator Griesheimer offered **SS** for **SCS** for **SB 363**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 363

An Act to repeal sections 32.063, 136.055, 144.060, 144.070, 301.280, and 301.562, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicle dealers, with penalty provisions.

Senator Griesheimer moved that **SS** for **SCS** for **SB 363** be adopted.

Senator Shoemyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 363, Page 8, Section 144.070, Line 22, by inserting immediately after said line the following:

“144.140. From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to [two percent thereof.]:

**(1) One percent if such person has collected an amount greater than two hundred and fifty thousand dollars in sales taxes during such three month period;**

**(2) One and one-half percent if such person has collected an amount no less than one hundred twenty-five thousand dollars but no more than two hundred fifty thousand dollars in sales taxes during such three month period; or**

**(3) Two percent if such person has collected an amount less than one hundred twenty-five thousand dollars in sales taxes during such three month period.”; and**

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Purgason offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 363, Page 1, Section 144.140, Line 6, by striking “[two percent thereof.]” and inserting in lieu thereof the following: “**three** percent thereof.”; and further amend said amendment, page, lines 7 - 16, by striking all of said lines.

Senator Purgason moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 363**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

Senator Dempsey moved that **SB 355**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 355**, entitled:



SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 355

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to certain administrative fees associated with the sale of motor vehicles, vessels, and other types of vehicles.

Was taken up.

Senator Scott assumed the Chair.

Senator Dempsey moved that **SCS** for **SB 355** be adopted.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 355, Pages 1-2, Section 301.558, Lines 20-22, by striking all of said lines and inserting in lieu thereof the following: “**the unauthorized practice of law.**”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey moved that **SCS** for **SB 355**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **SB 355**, as amended, was declared perfected and ordered printed.

Senator Schaefer moved that **SB 256** be taken up for perfection, which motion prevailed.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 256, Page 3, Section 50.783, Line 22, by inserting after all of said line the following:

**“67.319. 1. The provisions of this section shall apply to contracts for services awarded by political subdivisions of the state of Missouri and shall be known as the “Political Subdivision Services Bidding Standards Act”.**

**2. Contracts for services by any political subdivision shall be advertised and bids solicited and awarded in compliance with other Missouri statutes, state rules, and federal and state funding requirements applicable to the specific political subdivision which are in effect on August 28, 2009, or as such requirements may be enacted or amended, and any provision of a local charter, ordinance, order, resolution, or policy applicable to the specific political subdivision which are in effect or which are subsequently adopted by the political subdivision after August 28, 2009.**

**3. If a political subdivision is not subject to a specific requirement for advertising for bids or soliciting, awarding, or rejecting bids under requirements specified in subsection 2 of this section regarding contracts for services, the political subdivision shall comply with the following provisions when soliciting bids and awarding service contracts:**

**(1) Contracts for services shall be advertised in advance of the acceptance of bids. If no provision of state law, state rule, federal or state funding requirement, or local charter, ordinance, order, resolution, or policy requiring advertising otherwise applies, bids shall be solicited by advertisement once per week for four consecutive weeks in one daily or weekly newspaper of general circulation, as**

qualified by chapter 493, RSMo, in a county or city not within a county where the political subdivision is located, with the first advertisement for bids appearing in the newspaper at least thirty days in advance of the date stated in the advertisement for acceptance of bids. For contracts over fifty thousand dollars, bids shall also be advertised by providing service and bid solicitation information at least thirty days in advance of bid opening to one or more commercial or not-for-profit organizations, which regularly provides information on contracts to be awarded to contractors providing the type of service needed. Advertisements and bid solicitations shall state the deadline for submission of bids and the time and place where bids shall be received and opened;

(2) In absence of a bid award or rejection standard specified under subsection 2 of this section, contracts for services shall be awarded in compliance with this subdivision. If no provision of state law, state rule, federal or state funding requirement, or local charter, ordinance, order, resolution, or policy otherwise applies, the contract shall be awarded to the lowest responsible bidder that submits a bid which is responsive to the contract as advertised by the political subdivision. The determination of the bidder's qualification shall be made based on his or her education and training. The political subdivision may reject the low bidder by declaring the bidder ineligible for the contract award based on the bidder's failure to provide a performance or payment bond as required by section 107.170, RSMo, if applicable, the bidder's nonperformance on previous contracts with the political subdivision, or other reasons specified as to the bidder's inability to adequately perform the contract. The reasons for bid rejection or award of the contract to another bidder shall be stated in writing to the low bidder within five business days of the rejection of the bid.

4. Notwithstanding any other provision of state law, state rule, or federal or state funding requirement to the contrary, or any provision of a charter, ordinance, order, resolution, or policy to the contrary, adopted by a political subdivision, no contract for services shall be awarded in violation of the following requirements:

(1) No bid shall be opened in advance of the advertised deadline for submission of bids or in a place other than that specified in the original solicitation of bids or in an amendment to the solicitation communicated in advance to all known bidders;

(2) No bid shall be accepted unless it is sealed and is in writing. If the letting of the services for which bids were solicited is cancelled, bids shall be returned to the bidder unopened;

(3) No bid shall be accepted after the advertised deadline for acceptance of bids;

(4) All bids received shall be held secure and confidential from all persons until the bids are opened at the time and place announced by the political subdivision. Bids shall be opened in a public meeting, as defined in chapter 610, RSMo.

Nothing in this section shall be construed to prohibit acceptance and processing of bids through an established program of electronic bidding by computer, provided bids accepted and processed electronically shall meet standards of confidentiality established by the requirements of the electronic bidding program which are comparable to requirements for written bids established by this section.

5. Any person submitting a bid, or who would have submitted a bid except for violations of subsection 4 of this section, shall have standing to seek equitable relief and monetary damages in a court of competent jurisdiction for monetary losses resulting from violations of subsection 4 of this section, including but not limited to, setting aside award of a contract, ordering a contract to be re-

**bid, requiring award of a contract to a different bidder than originally awarded, awarding monetary damages deemed appropriate by the court, including award of reasonable attorney's fees, or awarding a combination of such forms of relief.**

**6. Nothing in this section shall be construed to require acceptance of a bid which exceeds the amount estimated by the political subdivision for the contract. Neither shall any provision in this section prohibit a political subdivision from awarding contracts without competitive bidding when the political subdivision deems it necessary to remove an immediate danger to the public health or safety, to prevent loss to public or private property which requires government action, or to prevent an interruption of or to restore an essential public service; however, the political subdivision shall produce a written public record documenting the need to contract for such services without competitive bidding.**

**7. The provisions of this section shall not apply to procurement procedures and advertising procedures contained in sections 8.285 to 8.291, RSMo.”; and**

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Schaefer, **SB 256**, as amended, was declared perfected and ordered printed.

Senator Stouffer moved that **SB 89**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SB 89** was again taken up.

Senator Stouffer moved that **SS** for **SCS** for **SB 89** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **SB 89** was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 363**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Griesheimer raised the point of order that **SA 1** to **SA 1** and **SA 1** are out of order as both amendments go beyond the scope of the bill.

The points of order were referred to the President Pro Tem who ruled the point of order on **SA 1** to **SA 1** not well taken and the point of order on **SA 1** well taken.

Senator Shoemyer offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 363, Page 8, Section 144.070, Line 22, by inserting immediately after said line the following:

“144.140. 1. From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to two percent thereof.

**2. The provisions of subsection 1 of this section shall not apply to sales taxes collected by motor vehicle dealers on motor vehicles and trailers sold by such motor vehicle dealers. In lieu of subsection**

**1 of this section, every motor vehicle dealer authorized to collect and remit sales tax on motor vehicles and trailers sold by the motor vehicle dealer under subsection 8 of section 144.070 shall be entitled to deduct and retain from every quarterly remittance to the director of revenue an amount equal to the following:**

**(1) One percent if such motor vehicle dealer has collected an amount greater than two hundred and fifty thousand dollars in sales taxes during such three month period;**

**(2) One and one-half percent if such motor vehicle dealer has collected an amount no less than one hundred twenty-five thousand dollars but no more than two hundred fifty thousand dollars in sales taxes during such three month period; or**

**(3) Two percent if such motor vehicle dealer has collected an amount less than one hundred twenty-five thousand dollars in sales taxes during such three month period.”; and**

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 363**, with **SCS, SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Bartle moved that **SB 261, SB 159, SB 180** and **SB 181**, with **SCS, SS No. 3** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Pages 2-5, Section 84.830, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Shields requested a roll call vote be taken on the adoption of **SA 2**. He was joined in his request by Senators Vogel, Bartle, Schaefer and Pearce.

Under the provision of Senate Rule 91, Senator Wilson was excused from voting on **SA 2**.

**SA 2** failed of adoption by the following vote:

#### YEAS—Senators

Callahan	Crowell	Cunningham	Days	Engler	Ridgeway—6
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#### NAYS—Senators

Barnitz	Bartle	Bray	Champion	Clemens	Dempsey	Goodman	Green
Griesheimer	Justus	Lager	Lembke	Mayer	McKenna	Nodler	Pearce
Purgason	Rupp	Schaefer	Schmitt	Scott	Shields	Smith	Stouffer
Vogel	Wright-Jones—26						

Absent—Senator Shoemyer—1

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

At the request of Senator Bartle, **SB 261**, **SB 159**, **SB 180** and **SB 181**, with **SCS** and **SS No. 3** for **SCS** (pending) were placed on the Informal Calendar.

### **HOUSE BILLS ON SECOND READING**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committee indicated:

**HCS** for **HB 96**—Education.

**HB 744**—Appropriations.

**HB 287**—Agriculture, Food Production and Outdoor Resources.

**HB 86**—Ways and Means.

**HCS** for **HB 242**—Education.

**HB 65**—Jobs, Economic Development and Local Government.

**HCS** for **HB 580**—Jobs, Economic Development and Local Government.

**HCS** for **HB 82**—Veterans' Affairs, Pensions and Urban Affairs.

**HCS** for **HB 310**—Commerce, Consumer Protection, Energy and the Environment.

**HCS** for **HB 459**—Health, Mental Health, Seniors and Families.

**HCS** for **HB 111**—Veterans' Affairs, Pensions and Urban Affairs.

**HB 289**—Education.

**HB 682**—Education.

**HCS** for **HB 286**—Health, Mental Health, Seniors and Families.

**HCS** for **HBs 46** and **434**—Judiciary and Civil and Criminal Jurisprudence.

**HB 678**—Veterans' Affairs, Pensions and Urban Affairs.

**HCS** for **HB 359**—Transportation.

**HB 239**—Financial and Governmental Organizations and Elections.

**HCS** for **HB 740**—Health, Mental Health, Seniors and Families.

**HCS** for **HJR 23**—Ways and Means.

### **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

**SENATE HEARING SCHEDULE  
95th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
MARCH 30, 2009**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Nodler)	Appropriations SCR 2 (Nodler)  Transportation SCR 1 (Stouffer)	
8:15 a.m.		Health, Mental Health, Seniors and Families SCR 1 (Champion)		
8:30 a.m.			Gubernatorial Appointments SL (Shields)	Governmental Accountability and Fiscal Oversight SCR 1 (Purgason)  Veterans' Affairs, Pensions and Urban Affairs SL (Crowell)
12:00 Noon		Small Business, Insurance and Industry SCR 1 (Rupp)  Rules, Joint Rules, Resolutions and Ethics SL (Engler)	Jobs, Economic Development and Local Government SL (Griesheimer)  Agriculture, Food Production and Outdoor Resources SCR 1 (Clemens)	
12:30 p.m.	Appropriations SCR 2 (Nodler)			
1:00 p.m.		Commerce, Consumer Protection, Energy and the Environment SL (Lager)  General Laws SCR 1 (Goodman)	Education SL (Mayer)  Ways and Means SCR 1 (Vogel)  Progress and Development SCR 2 (Callahan)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Scott)			
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Bartle)			

SCR 1 - Senate Committee Rm. 1, Room 118

SL - Senate Lounge

SCR 2 - Senate Committee Rm. 2, Room 119

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS No. 2** for **SCS** for **SB 5**; **SCS** for **SJR 5**; **SCS** for **SBs 65** and **43**; **SCS** for **SB 188**; and **SB 272**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**REFERRALS**

President Pro Tem Shields referred **SB 272** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Dempsey.

**RESOLUTIONS**

Senator Purgason offered Senate Resolution No. 594, regarding Chase Brooks Phillips, which was adopted.

Senator Schaefer offered Senate Resolution No. 595, regarding Mizzou College Republicans, which was adopted.

Senator Scott offered Senate Resolution No. 596, regarding Skyline Elementary School, Hickory County R-I School District, which was adopted.

Senator Shields offered Senate Resolution No. 597, regarding Dylan Klawuhn, which was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 355**; **SB 256**; and **SS** for **SCS** for **SB 89**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**SENATE BILLS FOR PERFECTION**

Senator Pearce moved that **SB 45**, **SB 212**, **SB 136**, **SB 278**, **SB 279**, **SB 285** and **SB 288**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Lager, **SS** for **SCS** for **SBs 45**, **212**, **136**, **278**, **279**, **285** and **288** was withdrawn rendering the pending amendment moot.

Senator Lager offered **SS No. 2** for **SCS** for **SBs 45**, **212**, **136**, **278**, **279**, **285** and **288**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 45, 212, 136, 278, 279, 285 & 288

An Act to repeal sections 32.105, 32.110, 32.111, 32.112, 32.115, 99.820, 99.865, 99.1205, 100.286, 100.297, 100.760, 100.770, 100.850, 135.090, 135.305, 135.327, 135.352, 135.355, 135.363, 135.460, 135.484, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.680, 135.700, 135.710, 135.750, 135.766, 135.800, 135.802, 135.803, 135.805, 135.967, 208.770, 253.550, 320.093, 348.430, 348.432, 348.434, 348.505, 447.708, 620.014, 620.017, 620.470, 620.472, 620.478, 620.495, 620.1039, 620.1881, and 660.055, RSMo, and to enact in lieu thereof sixty-two new sections relating to taxation, with penalty provisions and an emergency clause and an expiration date for a certain section.

Senator Lager moved that **SS No. 2** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 45, 212, 136, 278, 279, 285 and 288, Page 60, Section 100.850, Line 3 of said page, by inserting immediately after said line the following:

“105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) “Governing body”, the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) “Political subdivision”, any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse



any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

**8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275, RSMo. Any transportation development district that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine not to exceed five hundred dollars per day.”; and**

Further amend said bill, page 165, section 208.770, line 8 of said page, by inserting immediately after said line the following:

“238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The estimated project costs and the anticipated revenues to be collected from the project;

(6) The name of the proposed district;

(7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; [and]

(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable; **and**

**(12) Details of the budgeted expenditures, including estimated expenditures for real physical improvements, estimated land acquisition expenses, estimated expenses for professional services and estimated interest charges.**

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district; or, if not less than fifty registered voters from each of two or more counties sign a petition calling for the joint establishment of a district for the purpose of developing a project that lies in whole or in part within those same counties, the petition may be filed in the circuit court of any of those counties in which not less than fifty registered voters have signed the petition.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty registered voters in each of two or more counties, it shall set forth the name, voting residence, and county of residence of each individual petitioner;

(b) The name of each local transportation authority within the proposed district. The resolution of the

governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

238.212. 1. If the petition was filed by registered voters or by a governing body, the circuit clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

**NOTICE OF PETITION TO SUBMIT TO A  
POPULAR VOTE THE CREATION AND  
FUNDING OF A TRANSPORTATION  
DEVELOPMENT DISTRICT**

Notice is hereby given to all persons residing or owning property in (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that upon voter approval, a transportation development district by the name of “..... Transportation Development District” be formed for the purpose of developing the following transportation project: (here summarize the proposed transportation project or projects). The petition also requests voter approval of the following method(s) of funding the district, which (may) (shall not) increase the total taxes imposed within the proposed district: (describe the proposed funding methods). A copy of this petition is on file and available at the office of the clerk of the circuit court of ..... County, located at ....., Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the transportation development district and requesting a declaratory judgment, as required by law, no later than the ..... day of ....., 20.. . You may show cause, if any there be, why such petition is defective or proposed transportation development district or its funding method, as set forth in the petition, is illegal or

unconstitutional and should not be submitted for voter approval at a general, primary or special election as directed by this court.

.....  
 ..... Clerk of the Circuit  
 Court of ..... County

2. The circuit court may also order a public hearing on the question of the creation and funding of the proposed district, if it deems such appropriate, under such terms and conditions as it deems appropriate. **The circuit court shall order at least one public hearing on the creation and funding of the proposed district, if the petition for creating such district was filed by the owners of record of all real property within the proposed district.** If a public hearing is ordered, notice of the time, date and place of the hearing shall also be given in the notice specified in subsection 1 of this section.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of ..... (transportation development district's name) impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast

by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the month following adoption of the tax by the qualified voters.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. On and after the effective date of any tax imposed pursuant to this section, the [transportation development district] **director of revenue** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, **and the director of revenue shall collect, in addition**

**to all other sales taxes imposed by law, the additional tax authorized pursuant to this section.** The tax imposed pursuant to this section **and the taxes imposed pursuant to all other laws of the state of Missouri** shall be collected **together** and reported upon such forms and [under] **pursuant to** such administrative rules and regulations as may be prescribed by the [transportation development district] **director of revenue**.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. All sales taxes [collected] **received** by the transportation development district shall be deposited by the [transportation development district] **director of revenue** in a special fund to be expended for the purposes authorized in this section. The [transportation development district] **director of revenue** shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

6. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 45, 212, 136, 278, 279, 285 and 288, Pages 155-157, Section 135.821, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Pearce, **SB 45, SB 212, SB 136, SB 278, SB 279, SB 285 and SB 288**, with **SCS, SS No. 2** for **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

Senator Shields moved that **SB 291**, with **SS** and **SA 9** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 9** was again taken up.

Senator Lager moved that the above amendment be adopted.

Senator Stouffer assumed the Chair.

Senator Rupp offered **SA 1** to **SA 9**:

#### SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute for Senate Bill No. 291, Page 5, Section 171.031, Line 5, by striking the word “may” and inserting in lieu thereof the following: “**shall**”; and further amend line 6, by striking the words “no earlier than” and inserting in lieu thereof the following: “**at least fourteen calendar days after notification of parents as to the determination of students' eligibility for public school choice options pursuant to the federal No Child Left Behind Act and regulations promulgated thereunder but no earlier than**”; and

Further amend said amendment, line 9, by inserting after the word “section.” the following: **“A school district that sets its opening date more than ten days prior to the first Monday in September as provided in subsection 3 of this section shall still comply with the fourteen day notification period described in this subsection.”**.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Cunningham offered **SA 2 to SA 9**:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute for Senate Bill No. 291, Page 4, Section 171.029, Line 15, by inserting after the word “171.029” the following: **“1.”**; and

Further amend said section, line 24, by inserting after said line the following:

**“2. If a school district that attends less than one hundred seventy-four days meets at least two fewer performance standards on two successive annual performance reports than it met on its last annual performance report received prior to implementing a calendar year of less than one hundred seventy-four days, it shall be required to revert to a one hundred seventy-four day school year in the school year following the report of the drop in the number of performance standards met. When the number of performance standards met reaches the earlier number, the district may return to a four-day week in the next school year.”**.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

**SA 9**, as amended, was again taken up.

Senator Lager moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Days offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14 of said page, by inserting immediately after said line the following:

**“162.204. Notwithstanding any provision of law to the contrary, a school district may fulfill its statutory responsibility to maintain permanent records by maintaining or storing such records in a digital or electronic format. A school district that maintains or stores records in a digital or electronic format shall follow all guidelines, suggestions, or recommendations set forth by the manufacturer of the digital or electronic storage media. A school district shall not use or maintain digital or electronic storage media beyond the manufacturer suggested or recommended period of time.”**; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after



all of said line the following:

**“162.716. 1. A student with a disability who receives special education services from a school district or special school district shall not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.**

**2. As used in this section, the following terms shall mean:**

**(1) “Seclusion”, a behavior management technique that provides an opportunity for a student to regain self control in which a student is confined in a box, closet, or room that is designed solely to seclude a person and contains less than fifty square feet of space or other space from which the student is prevented from leaving;**

**(2) “Time-out”, a behavior management technique that provides a student with an opportunity to regain self-control and separates the student from other students for a limited period in a setting:**

**(a) Where a student's movement is not physically restricted;**

**(b) From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object;**

**(3) “Weapon”, any blackjack, concealable firearm, detonator, explosive weapon, firearm, gas gun, knife, knuckles, machine gun, projectile weapon, rifle, short barrel, shotgun, or switchblade, as such terms are defined in section 571.010, RSMo;**

**3. A school district employee, a school district volunteer, or an independent contractor of a school district shall not place a student in seclusion except for use as a last resort as an emergency safety intervention for behavior that:**

**(1) Poses an imminent risk to the safety of an individual student; or**

**(2) Poses an imminent risk to the safety of others.**

**4. A room or area of seclusion shall:**

**(1) Not be locked;**

**(2) Not prevent the student from exiting the area should staff become incapacitated or leave the area; and**

**(3) Provide for adequate space, lighting, ventilation, viewing, and the safety of the student.**

**5. An employee shall not place the student in seclusion for:**

**(1) Convenience of the staff;**

**(2) As a substitute for an educational program;**

**(3) As a form of discipline or punishment;**

**(4) As a substitute for less restrictive alternatives; or**

**(5) As a substitute for adequate staffing.**

**6. Seclusion shall not be used any longer than necessary to allow for the student to regain self control:**

**(1) If the time necessary for seclusion exceeds fifteen minutes for elementary students or twenty minutes for middle or highschool students, there must be documentation to explain the extension beyond the time limit; and**

**(2) If the student is placed into seclusion for a third time in one school day, parents shall be notified immediately and given the option to remove the student from school for the remainder of the school day.**

**7. Each use of seclusion shall be:**

**(1) Documented in writing and reported to the administration, including documentation of observations of the student while in seclusion;**

**(2) Reported to the parent immediately or as soon as possible; and**

**(3) Documented in a written report and given to the parent or guardian within twenty-four hours.**

**8. Schools shall ensure all employees are informed and notified of these requirements in this section.**

**9. This section shall not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:**

**(1) The student possesses a weapon; and**

**(2) The confinement is necessary to prevent the student from causing bodily harm to the student or another person.**

**10. This section and any rules, regulations, and procedures promulgated or adopted under it shall not apply to:**

**(1) A peace officer while performing law enforcement duties;**

**(2) Juvenile probation, detention, or corrections personnel; or**

**(3) An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.**

**11. This section shall not apply to the use of seclusion in a court-ordered placement, other than in an educational program of a school district or in a placement or facility to which the federal Children's Health Act of 2000, P.L. 106-310, any subsequent amendments to the act, any regulation adopted under that act, or any subsequent amendments to such regulation, applies.**

**12. This section shall not prohibit a school district from using time-out as described in subdivision (2) of subsection 2 of this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 12:**

**SENATE AMENDMENT NO. 12**

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after said line the following:

**“160.950. 1. There is hereby created in the state treasury the “Persistence to Graduation Fund”, which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The fund shall be administered by the department of elementary and secondary education.**

**2. The department of elementary and secondary education shall establish a procedure whereby seven-director, urban, and metropolitan school districts may apply for grant awards from the Persistence to Graduation Fund in order for such districts to implement drop-out prevention strategies. Successful applicants under this section shall be awarded grants for one to five consecutive years. Upon expiration of the initial grant, the district may reapply for an extension of the grant award for a period of time deemed appropriate by both the district and the department. The department of elementary and secondary education shall give preference to school districts that propose a holistic approach to drop-out prevention, directed at a broad array of students, from the pre-kindergarten level through early adulthood, including the following characteristics:**

**(1) A collaborative approach between the school district and various community organizations, including non-profit organizations, local governmental organizations, law enforcement agencies, “approved public institutions” and “approved private institutions” as such terms are defined in section 173.1102, RSMo, and institutions able to deliver proven, research-based intervention services;**

**(2) Early intervention strategies, including family engagement, early childhood education, early literacy development, family literacy, and mental health detection and treatment;**

**(3) Increased accountability measures that track at-risk students that leave the district;**

**(4) The implementation or augmentation of the following basic core strategies for drop-out prevention:**

**(a) Mentoring;**

**(b) Tutoring;**

**(c) Alternative Schooling;**

**(d) Career and Technical Education; and**

**(e) Before or After School Programs;**

**(5) The implementation of early intervention strategies for students who display strong indicators that they will not persist to graduation.**

**3. Grants awarded under this section shall be available to school districts that have a student population of which sixty percent or greater is eligible for a free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department of elementary and secondary education in accordance with applicable federal regulations.**

**4. The department of elementary and secondary education shall promulgate rules, no later than**

**January 15, 2010, for the implementation of this section, including:**

**(1) A procedure by which funds shall be allocated to the applying school districts; and**

**(2) A means to judge the effectiveness of the drop-out prevention programs of the districts that receive grants under this program.**

**Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

**5. The department of elementary and secondary education may cease award payments to any district at any time if the department determines that such funds are being misused or if the district's drop-out prevention program is deemed to be ineffectual. Any decision to discontinue payments of such funds shall be presented to the applicable district in writing at least thirty days prior to the cessation of fund payments.**

**6. The department of elementary and secondary education shall report to the general assembly and to the governor, no later than January fifteenth annually:**

**(1) The recipients and amounts of the grants awarded under this section; and**

**(2) The persistence to graduation data from the preceding five years for each district awarded grants under this section.**

**7. Subject to appropriation, the general assembly shall annually appropriate an amount sufficient to fund the provisions of this section.**

**8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

**Further amend the title and enacting clause accordingly.**

**Senator Bray moved that the above amendment be adopted, which motion prevailed.**

**Senator Days offered SA 13:**

**SENATE AMENDMENT NO. 13**

**Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19 of said page, by inserting immediately after said line the following:**

**“170.400. Any and all equipment and educational materials necessary for successful participation in supplemental educational services programming shall not be deemed an incentive for the purposes of compliance with department of elementary and secondary education rules and regulations for supplemental educational services provider certification. The department of elementary and secondary education shall not prohibit providers of supplemental and educational services from allowing students to retain instructional equipment, including computers, used by them upon successful completion of supplemental and educational services.”; and**

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Bill No. 291, Page 1, Section A, Line 6, by inserting after said line the following:

“160.400. 1. A charter school is an independent public school.

2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation;

(3) A community college located in the district; or

(4) Any private four-year college or university located in a city not within a county with an enrollment of at least one thousand students, and with an approved teacher preparation program.

3. The mayor of a city not within a county may request a sponsor under subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a workplace charter school, which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability to target prospective students whose parent or parents are employed in a business district, as defined in the charter, which is located in the city.

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

9. The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not be withheld when the sponsor is a school district or the state board of education. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter school it sponsors, **including appropriate demonstration of the following:**

**(1) Expends no less than ninety percent of its charter school sponsorship funds in support of its charter school sponsorship program, or as a direct investment in the sponsored schools;**

**(2) Maintains a comprehensive application process that follows fair procedures and rigorous criteria and grants charters only to those developers who demonstrate strong capacity for establishing and operating a quality charter school;**

**(3) Negotiates contracts with charter schools that clearly articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences, and other material terms;**

**(4) Conducts contract oversight that evaluates performance, monitors compliance, informs intervention and renewal decisions, and ensures autonomy provided under applicable law; and**

**(5) Designs and implements a transparent and rigorous process that uses comprehensive data to make merit-based renewal decisions.**

10. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349, RSMo, without ensuring that a criminal background check and child abuse registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the

governing board of the charter school.

12. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, RSMo, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

13. A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420 and 167.349, RSMo.

14. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board, after a public hearing, may require remedial action for a sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions including withholding the sponsor's funding and suspending for a period of up to one year the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school. If the state board removes the authority to sponsor a currently operating charter school, the state board shall become the interim sponsor of the school for a period of up to three years until the school finds a new sponsor or until the charter contract period lapses.

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located and to the state board of education, within five business days of the date the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

- (1) The educational goals and objectives to be achieved by the charter school;
- (2) A description of the charter school's educational program and curriculum;
- (3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;
- (4) A description of the charter school's pupil performance standards, which must meet the requirements

of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards;

(5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school; and

(6) A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements.

2. Proposed charters shall be subject to the following requirements:

(1) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision of approval or denial shall be made within ninety days of the filing of the proposed charter;

(2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial and forward a copy to the state board of education within five business days following the denial;

(3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, that the applicant is sufficiently qualified to operate the charter school, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

(4) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, is eligible for free or reduced-price school lunch, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, the charter application shall be submitted to the state board of education, along with a statement of finding that the application meets the requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan under which the charter sponsor will evaluate



the academic performance of students enrolled in the charter school. The state board of education may, within sixty days, disapprove the granting of the charter. The state board of education may disapprove a charter on grounds that the application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349, RSMo, or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor.

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, county, or city relating to health, safety, and state minimum educational standards, as specified by the state board of education, including the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518, transmittal of school records under section 167.020, RSMo, and the minimum number of school days and hours required under section 160.041;

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, publish audit reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual financial report may be published on the department of elementary and secondary education's Internet web site in addition to other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. A charter school that receives local educational agency status under subsection 6 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies. For purposes of an audit by petition under section 29.230, RSMo, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) (a) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, which shall also include a statement that background checks have been completed on the charter school's board members, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational

innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) For proposed high risk or alternative charter schools, sponsors shall approve performance measures based on mission, curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a high risk or alternative charter school has documented adequate student progress. Student performance shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.

(c) Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or disapproval by the sponsor, specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency for the sole purpose of seeking direct access to federal grants. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.

7. (1) A sponsor [may] **shall revoke a charter or take other appropriate remedial action, which may include placing the charter school on probationary status**, at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, failure to provide information necessary to confirm compliance with all provisions of

the charter and sections 160.400 to 160.420 and 167.349, RSMo, within forty-five days following receipt of written notice requesting such information, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, which may require a change of methodology, a change in leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the governing board of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's governing board may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

8. A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely manner to its sponsor.

9. A school district may enter into a lease with a charter school for physical facilities.

10. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756, RSMo.

12. Any entity, either public or private, operating, administering, or otherwise managing a charter school

shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035, RSMo.

13. The chief financial officer of a charter school shall maintain a surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the school.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Rupp offered **SA 1** to **SA 14**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute for Senate Bill No. 291, Page 16, Section 160.405, Line 8, by inserting after the word “maintain” the following: “:

(1)”; and further amend line 9, by inserting after the word “school” the following:

“; or

**(2) An insurance policy issued by an insurance company licensed to do business in Missouri on all employees in the amount of five hundred thousand dollars or more that provides coverage in the event of employee theft.**

160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program; and

(3) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; and

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.

4. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with [a comparable] **an equivalent group of district students representing an equivalent demographic and geographic population** and a study of the impact of charter schools upon **the constituents they serve in** the districts in which they are located, to be conducted by a contractor selected through a request for proposal. **The department of elementary and secondary education shall coordinate the request for proposal process in conjunction with individuals representing charter public schools and the districts in which the charter schools are located.** The department of elementary and secondary education shall reimburse the contractor from funds appropriated by the general assembly for the purpose. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and [a] **an equivalent group of district students [comparable to the students enrolled in the charter school] representing an equivalent demographic and geographic population. The student performance assessment and comparison shall include, but may not be limited to, as prescribed by the request for proposal:**

(1) Missouri assessment program test performance and aggregate growth over several years;

(2) Student re-enrollment rates;

(3) Educator, parent, and student satisfaction data;

(4) Graduation rates in secondary programs; and

(5) Performance of students enrolled in the same public school for three or more consecutive years.

The impact study shall be undertaken every two years to determine the [effect] **impact** of charter schools on [education stakeholders] **the constituents they serve** in the districts where charter schools are operated. The impact study [may] **shall** include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.

5. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

(1) The school's charter;

(2) The school's most recent annual report card published according to section 160.522; and

(3) The results of background checks on the charter school's board members.

The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026, RSMo, for furnishing copies of documents under this subsection.”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2** to **SA 14**:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute for Senate Bill No. 291, Page 14, Section 160.405, Line 29, by inserting after said line the following:

**“(7) Any charter school that attains a score on its annual performance review consistent with the classification of unaccredited shall be classified as unaccredited by the state board of education within sixty days of the publication of the annual performance review data. Any charter school classified as unaccredited by the state board of education for two successive school years shall have their charter revoked on June thirtieth of the second full school year of such unaccredited classification after the school year during which the unaccredited classification is initially assigned.”.**

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Stouffer assumed the Chair.

**SA 14**, as amended, was again taken up.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Bill No. 291, Page 28, Section 313.822, Line 27, by inserting after said line the following:

**“Section 1. No board of education shall enter into a collective bargaining agreement that forecloses the option of adopting a merit pay plan or performance pay plan.”; and**

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Dempsey assumed the Chair.

Senator Green offered **SSA 1** for **SA 15**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Bill No. 291, Page 28, Section 313.822, Line 27, by inserting after said line the following:

**“Section 1. A board of education may enter into a collective bargaining agreement that includes the option of adopting a merit pay plan or performance pay plan.”; and**

Further amend the title and enacting clause accordingly.

Senator Green moved that the above substitute amendment be adopted.

Senator Bartle raised the point of order that **SSA 1** for **SA 15** is out of order as it is not a true substitute.

The point of order was referred to the President Pro Tem who ruled it well taken.

**SA 15** was again taken up.

At the request of Senator Bartle, the above amendment was withdrawn.

Senator Rupp offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19, by inserting after said line the following:

“171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033.

2. Each local school district [may] **shall** set its opening date each year, which date shall be [no earlier than] **at least fourteen calendar days after notification of parents as to the determination of students' eligibility for public school choice options pursuant to the federal No Child Left Behind Act and regulations promulgated thereunder but no earlier than** ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section. **A school district that sets its opening date more than ten days prior to the first Monday in September as provided in subsection 3 of this section shall still comply with the fourteen day notification period described in this subsection.**

3. A district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031, RSMo, for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

7. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14 of said page, by inserting after all of said line the following:

**“162.1033. 1. The provisions of this section shall be known as the “Students First Act”.**

**2. For the school year beginning July 1, 2010, and each succeeding school year, a child in foster care under chapter 210, RSMo, may enroll in a public school for kindergarten or grades above kindergarten in a school district other than the one he or she currently attends in the manner provided in this section.**

**3. For purposes of this section, the following terms shall mean:**

**(1) “Public school”, includes school districts, charter schools, magnet schools, and the virtual school created in section 161.670, RSMo;**

**(2) “IEP”, individualized education program.**

**4. (1) Every school district shall adopt a policy which defines the term “class size” for the purposes of open enrollment. The “minimum standard” of teacher-pupil ratio promulgated by the department shall be used in formulating the policy. The policy may allow for a number of spaces to remain open to accommodate potential additional pupils who will reside in the district. The receiving district shall make available to the public the number of open seats in each grade each year on a timely basis. A child in the foster care system under chapter 210, RSMo, shall declare his or her intent by March first preceding the school year in which the student wishes to participate. Open enrollment requests shall be valid for an entire school year.**

**(2) If capacity is insufficient to enroll all pupils who submit an application, the receiving school district shall have an admissions process that assures all applicants of an equal chance of gaining admission except that preferences for admission of children whose siblings attend the school may be permitted. Whenever there is a federal court-ordered desegregation directive for a school district, enrollment options under this section are subject to the approval of the court of continuing jurisdiction, and the court order shall govern.**

**(3) If a child in the foster care system under chapter 210, RSMo, believes that a receiving district is unreasonable in disapproving applications submitted in accordance with this subsection, he or she may request that the department of elementary and secondary education review and take appropriate action. School districts shall keep records of the numbers of transfers requested into and out of the district and numbers accepted and denied. These records shall be publicly available.**

**(4) If a request filed under this section is for a child requiring special education under sections 162.670 to 162.999, the request to transfer to the other district shall be granted only if the individualized education program team in the receiving district verifies that the receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs and the enrollment of the child in the receiving district's program would not cause**



the size of the class in that special education instructional program in the receiving district to exceed the maximum class size established in rules adopted by the state board of education or federal guidelines for that program. For children requiring special education, a member of the child's IEP team in the school district of residence shall be part of the IEP team in the receiving district for the initial IEP planning sessions, and the school district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.

5. A student who enrolls in another public school under this section shall be counted, for state school foundation aid purposes, in the receiving district.

6. For accountability purposes on adequate yearly progress and the annual performance report, the statewide assessment scores of pupils using open enrollment to attend a district other than their school district of residence shall be treated in the same manner as the scores of English language learners.

7. To the extent practicable based on available capacity, each public school district with multiple attendance centers serving the same grade level may provide intradistrict open enrollment. A district's intradistrict transfers shall receive priority over interdistrict transfers.

8. Students who participate in open enrollment shall be treated like resident students of the receiving district for school activities participation on any team, and no organization shall prevent such students from participating in school activities. Districts and organizations involved in school activities in open enrollment districts shall make a good faith effort to facilitate participation.

9. In a public school district that qualified for a small school grant under section 163.044, RSMo, for the previous school year, the addition of up to five percent average daily attendance attributable to open enrollment shall not disqualify the district for the grant, nor shall a decrease of less than five percent from the average daily attendance used to determine qualification for the grant for the subsequent school year that is attributable to open enrollment qualify a district for the grant.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted.

Senator Mayer offered SA 1 to SA 17:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 17

Amend Senate Amendment No. 17 to Senate Substitute for Senate Bill No. 291, Page 1, Line 2, by inserting after said line the following:

“162.1032. 1. For purposes of this section, the following terms shall mean:

- (1) “Department”, the department of elementary and secondary education;
- (2) “Residency”, the term as defined under section 167.020, RSMo;
- (3) “School district”, a seven director, urban, or metropolitan school district.

2. For the school year commencing July 1, 2010, and for each succeeding school year, a parent or guardian residing in a public school district may enroll his or her child in a public school in another school district in the manner provided in this section.

3. For a parent or guardian to be able to enroll his or her child in a public school in another school district, the following shall be required:

- (1) The child shall be enrolled in and attending a public school located in Missouri; or
- (2) The parent or guardian has registered, or is preparing to register, the child for kindergarten or first grade.

4. By January fifteenth of the preceding school year, the parent shall send notification to the school district of residence and the receiving district, on an application or forms prescribed by the department, that the parent or guardian intends to enroll his or her child in a public school in a school district other than the school district of residence. If a school district does not have sufficient capacity to enroll all pupils who submit a timely application, the school district shall institute an admissions process to ensure all applicants an equal chance of admission, except that a school district may give preference for admission to siblings of children who are already enrolled in the school district under this section.

5. If a parent or guardian fails to send notification by January fifteenth as specified in subsection 4 of this section, the parent or guardian may request transfer until the third Friday in July of that calendar year, on an application or forms prescribed by the department, by sending notification to the school district of residence and the receiving district, provided that good cause exists for the failure to meet the deadline. The board of education for the receiving district shall determine if good cause exists. For purposes of this subsection, good cause shall mean:

(1) A change in a child's residence due to a change in family residence, a change in the marital status of the child's parent or guardian, a guardianship or custody proceeding, placement in foster care, adoption, participation in a substance abuse or mental health treatment program; or

(2) A classification of the child's resident school district as unaccredited by the state board of education or the revocation of the charter of a charter school as provided in section 160.405, RSMo, attended by the child.

6. Whenever a federal court-ordered desegregation directive exists for a school district, enrollment options under this section are subject to the approval of the court of continuing jurisdiction. The court order shall govern.

7. An application for open enrollment may be granted at any time with the approval of the receiving district and the school district of residence. If the request is granted, the board of education of the receiving district shall notify the parent or guardian and the school district of residence within five days. The parent or guardian may withdraw the request to enroll his or her child at any time prior to the start of the school year. A request for enrollment under this section shall be valid for at least one year, and once granted, shall not require another application until the pupil has completed

all grades available in the school district.

8. Each school district shall adopt a policy for appropriate class size and teacher-pupil ratios for all grade levels. The policy may allow for a number of spaces to remain open to accommodate potential additional pupils who may reside in the district. No school district shall be required to admit pupils under this section if such admittance would violate its target class size and teacher-pupil ratio under this subsection. If a school district denies enrollment to a pupil under this section, it shall state the grounds for the denial. Each school district shall maintain records on:

- (1) The number of transfers requested into and out of the district;
- (2) The number of pupils accepted into the district; and
- (3) The number of pupils denied enrollment into the district.

9. If, after enrolling his or her child in the receiving district, the parent or guardian is dissatisfied, he or she may return his or her child to the school district of residence upon notification to both the receiving district and the school district of residence. However, the parent or guardian shall not be able to reenroll his or her child in the receiving district at a later time. If the parent or guardian desires to enroll his or her child in a school district other than the school district of residence or the initial receiving district, he or she shall follow the procedures identified in this section.

10. If a request filed under this section is for a child requiring special education under sections 162.670 to 162.999, the request to transfer to the other district shall only be granted if the individualized education program team in the receiving district verifies that:

- (1) The receiving district maintains a special education instructional program that is appropriate to meet the child's educational needs; and
- (2) The enrollment of the child in the receiving district's program would not cause the size of the class in that special education instructional program to exceed the maximum class size established in rules and regulations adopted by the state board of education or federal guidelines for that program.

11. For children requiring special education, a member of the individualized education program team in the school district of residence shall be part of the individualized education program team in the receiving district for the initial planning session or sessions. The board of education of the school district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.

12. The statewide assessment scores of pupils who enroll in another school district under this section shall be treated in the same manner as the scores of resident pupils in that district.

13. A pupil who enrolls in another school district under this section shall be counted, for state school foundation aid purposes, in the pupil's school district of residence. Except for pupils residing in a K-8 school district attending high school in another district under section 167.131, RSMo, the board of education of the school district of residence shall pay to the receiving district an annual amount equal to the product of the weighted average daily attendance of the school district's resident pupils attending the receiving district school and the state adequacy target, multiplied by the dollar value modifier for the sending district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section

163.011, RSMo, plus all other state aid attributable to such pupils, not exceeding the per pupil cost in the sending district or receiving district, whichever is less. The district of residence shall also pay to the receiving district any other federal or state aid that the district receives on account of such child.

14. If a parent or guardian of a child who is participating in open enrollment under this section moves to a different school district during the course of either district's academic year, the child's first school district of residence shall be responsible for payment of the amount per pupil as calculated under subsection 13 of this section or special education costs to the receiving district for the balance of the school year in which the move occurred. The new district of residence shall be responsible for the payments during subsequent years.

15. If a request to transfer is due to a change in family residence, or where the child resides as a result of a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, or participation in a substance abuse or mental health treatment program, and the child who is the subject of the request is not currently using any provision of open enrollment under this section, the parent or guardian shall have the option to keep the child enrolled in the child's original school district of residence with no interruption in the educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the amount calculated in subsection 13 of this section until the start of the first full year of enrollment of the child.

16. Payments shall be made to the receiving district from the school district of residence for a child participating in open enrollment under this section at least twice a year. If a timely payment is not made, the receiving district shall be entitled to a late charge of up to three percent a month on the amount overdue, not to exceed three months. When a payment is more than three months past due, the department, upon notice from the receiving district, shall withhold the amount, including interest, from the school district of residence's state school aid and send payment in full to the receiving district.

17. In a public school district that qualified for a small schools grant under section 163.044, RSMo, the addition of up to five percent average daily attendance attributable to open enrollment under this section shall not disqualify the district for the grant. A decrease of less than five percent from the average daily attendance used to determine qualification for the grant that is attributable to open enrollment shall not qualify a school district for the grant.

18. Notwithstanding sections 167.131 and 167.241, RSMo, the parent or guardian shall be responsible for transporting the pupil to school under this section without reimbursement. A school district may provide transportation for a pupil to and from a point on an existing school bus route provided that the parent or guardian transports the pupil to and from such point. Nothing in this subsection shall be construed to prohibit a school district from voluntarily providing such transportation.

19. Participation in interscholastic athletics for students enrolling in another school district under this section shall be governed by the Missouri State High School Activities Association's requirements and eligibility criteria and standards.

20. The state board of education shall promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it

**complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

Senator Mayer moved that the above amendment be adopted.

Senator Shields offered **SSA 1** for **SA 1** to **SA 17**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 17

Amend Senate Amendment No. 17 to Senate Substitute for Senate Bill No. 291, Page 1, Line 2, by inserting after said line the following:

“160.254. 1. There is hereby established a joint committee of the general assembly, which shall be known as the “Joint Committee on Education”, which shall be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house.

2. The committee shall meet at least twice a year. In the event of three consecutive absences on the part of any member, such member may be removed from the committee.

3. The committee shall select either a chairman or cochairmen, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairman or chairmen designate.

4. The committee shall:

(1) Review and monitor the progress of education in the state's public schools and institutions of higher education;

(2) Receive reports from the commissioner of education concerning the public schools and from the commissioner of higher education concerning institutions of higher education;

(3) Conduct a study and analysis of the public school system;

(4) Make recommendations to the general assembly for legislative action;

(5) Conduct an in-depth study concerning all issues relating to the equity and adequacy of the distribution of state school aid, teachers' salaries, funding for school buildings, and overall funding levels for schools and any other education funding-related issues the committee deems relevant;

(6) Monitor the establishment of performance measures as required by section 173.1006, RSMo, and report on their establishment to the governor and the general assembly;

(7) Conduct studies and analysis regarding:

(a) The higher education system, including financing public higher education and the provision of financial aid for higher education; and

(b) The feasibility of including students enrolled in proprietary schools, as that term is defined in section 173.600, RSMo, in all state-based financial aid programs;

(8) Annually review the collection of information under section 173.093, RSMo, to facilitate a more accurate comparison of the actual costs at public and private higher education institutions;

(9) Within three years of August 28, 2007, review a new model for the funding of public higher education institutions upon submission of such model by the coordinating board for higher education;

(10) Within three years of August 28, 2007, review the impact of the higher education student funding act established in sections 173.1000 to 173.1006;

(11) Beginning August 28, 2008, upon review, approve or deny any expenditures made by the commissioner of education pursuant to section 160.530, as provided in subsection 5 of section 160.530.

**5. During the legislative interim between the first regular session of the ninety-fifth general assembly through January 29, 2010, of the second regular session of the ninety-fifth general assembly, the joint committee on education shall study the issue of open enrollment for public school students across school district boundary lines in this state. In studying this issue, the joint committee may solicit input and information necessary to fulfill its obligation, including but not limited to soliciting input and information from any state department, state agency, school district, political subdivisions of this state, teachers, and the general public. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the general assembly by December 31, 2009.**

6. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of elementary and secondary education, the department of higher education, the coordinating board for higher education, the state tax commission, the department of economic development, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons.

[6.] 7. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.

Senator Shields moved that the above substitute amendment be adopted, which motion prevailed.

**SA 17**, as amended, was again taken up.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 18**:

**SENATE AMENDMENT NO. 18**

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19, by inserting after said line the following:

“177.088. 1. As used in this section, the following terms shall mean:

(1) “Board”, the board of education, board of trustees, board of regents, or board of governors of an educational institution;

(2) “Educational institution”, any school district, including all community college districts, and any state college or university organized under chapter 174, RSMo.

2. The board of any educational institution may enter into agreements as authorized in this section with

a not-for-profit corporation formed under the general not-for-profit corporation law of Missouri, chapter 355, RSMo, in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation and financing of sites, buildings, facilities, furnishings and equipment for the use of the educational institution for educational purposes.

3. The board may on such terms as it shall approve:

(1) Lease from the corporation sites, buildings, facilities, furnishings and equipment which the corporation has acquired or constructed; or

(2) Notwithstanding the provisions of this chapter or any other provision of law to the contrary, sell or lease at fair market value, which may be determined by appraisal, to the corporation any existing sites owned by the educational institution, together with any existing buildings and facilities thereon, in order for the corporation to acquire, construct, improve, extend, repair, remodel, renovate, furnish and equip buildings and facilities thereon, and then lease back or purchase such sites, buildings and facilities from the corporation; provided that upon selling or leasing the sites, buildings or facilities, the corporation agrees to enter into a lease for not more than one year but with not more than twenty-five successive options by the educational institution to renew the lease under the same conditions; and provided further that the corporation agrees to convey or sell the sites, buildings or facilities, including any improvements, extensions, renovations, furnishings or equipment, back to the educational institution with clear title at the end of the period of successive one-year options or at any time bonds, notes or other obligations issued by the corporation to pay for the improvements, extensions, renovations, furnishings or equipment have been paid and discharged.

4. Any consideration, promissory note or deed of trust which an educational institution receives for selling or leasing property to a not-for-profit corporation pursuant to this section shall be placed in a separate fund or in escrow, and neither the principal or any interest thereon shall be commingled with any other funds of the educational institutions. At such time as the title or deed for property acquired, constructed, improved, extended, repaired, remodeled or renovated under this section is conveyed to the educational institution, the consideration shall be returned to the corporation.

5. The board may make rental payments to the corporation under such leases out of its general funds or out of any other available funds, provided that in no event shall the educational institution become indebted in an amount exceeding in any year the income and revenue of the educational institution for such year plus any unencumbered balances from previous years.

6. Any bonds, notes and other obligations issued by a corporation to pay for the acquisition, construction, improvements, extensions, repairs, remodeling or renovations of sites, buildings and facilities, pursuant to this section, may be secured by a mortgage, pledge or deed of trust of the sites, buildings and facilities and a pledge of the revenues received from the rental thereof to the educational institution. Such bonds, notes and other obligations issued by a corporation shall not be a debt of the educational institution and the educational institution shall not be liable thereon, and in no event shall such bonds, notes or other obligations be payable out of any funds or properties other than those acquired for the purposes of this section, and such bonds, notes and obligations shall not constitute an indebtedness of the educational institution within the meaning of any constitutional or statutory debt limitation or restriction.

7. The interest on such bonds, notes and other obligations of the corporation and the income therefrom shall be exempt from taxation by the state and its political subdivisions, except for death and gift taxes on transfers. Sites, buildings, facilities, furnishings and equipment owned by a corporation in connection with

any project pursuant to this section shall be exempt from taxation.

8. The board may make all other contracts or agreements with the corporation necessary or convenient in connection with any project pursuant to this section. The corporation shall comply with sections 290.210 to 290.340, RSMo.

9. Notice that the board is considering a project pursuant to this section shall be given by publication in a newspaper published within the county in which all or a part of the educational institution is located which has general circulation within the area of the educational institution, once a week for two consecutive weeks, the last publication to be at least seven days prior to the date of the meeting of the board at which such project will be considered and acted upon.

10. Provisions of other law to the contrary notwithstanding, the board may refinance any lease purchase agreement that satisfies at least one of the conditions specified in subsection 6 of section 165.011, RSMo, for the purpose of payment on any lease with the corporation under this section for sites, buildings, facilities, furnishings or equipment which the corporation has acquired or constructed, but such refinance shall not extend the date of maturity of any obligation, and the refinancing obligation shall not exceed the amount necessary to pay or provide for the payment of the principal of the outstanding obligations to be refinanced, together with the interest accrued thereon to the date of maturity or redemption of such obligations and any premium which may be due under the terms of such obligations and any amounts necessary for the payments of costs and expenses related to issuing such refunding obligations and to fund a capital projects reserve fund for the obligations.

11. Provisions of other law to the contrary notwithstanding, payments made from any source by a school district, after the latter of July 1, 1994, or July 12, 1994, that result in the transfer of the title of real property to the school district, other than those payments made from the capital projects fund, shall be deducted as an adjustment to the funds payable to the district pursuant to section 163.031, RSMo, beginning in the year following the transfer of title to the district, as determined by the department of elementary and secondary education. No district with modular buildings leased in fiscal year 2004, with the lease payments made from the incidental fund and that initiates the transfer of title to the district after fiscal year 2007, shall have any adjustment to the funds payable to the district under section 163.031, RSMo, as a result of the transfer of title.

**12. Notwithstanding provisions of this section to the contrary, the board of education of any school district may enter into agreements with the county in which the school district is located, or with a city, town, or village wholly or partially located within the boundaries of the school district, in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation, and financing of sites, buildings, facilities, furnishings, and equipment for the use of the school district for educational purposes. Such an agreement may provide for the present or future acquisition of an ownership interest in such facilities by the school district, by lease, lease purchase agreement, option to purchase agreement, or similar provisions, and may provide for a joint venture between the school district and other entity or entities that are parties to such an agreement providing for the sharing of the costs of acquisition, construction, repair, maintenance, and operation of such facilities. The school district may wholly own such facilities, or may acquire a partial ownership interest along with the county, city, town, or village with which the agreement was executed.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.



Senator Schmitt offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19 of said page, by inserting after all of said line the following:

“167.126. 1. Children who are admitted to programs or facilities of the department of mental health or whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of placement arranged by or approved by the department of mental health, the department of social services or placement arranged by or ordered by a court of competent jurisdiction shall have a right to be provided the educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the department of mental health, the department of social services or a court of competent jurisdiction from otherwise providing or procuring educational services for such child.

2. Each school district or special school district constituting the domicile of any child for whom educational services are provided or procured under this section shall pay toward the per-pupil costs for educational services for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

3. When educational services have been provided by the school district or special school district in which a child actually resides, **including a child who temporarily resides in a children's hospital licensed under chapter 197, RSMo, for rendering health care services to children under the age of eighteen for more than three days**, other than the district of domicile, the amounts as provided in subsection 2 **of this section** for which the domiciliary school district or special school district is responsible shall be paid by such district directly to the serving district. The school district, or special school district, as the case may be, shall send a written voucher for payment to the regular or special district constituting the domicile of the child served and the domiciliary school district or special school district receiving such voucher shall pay the district providing or procuring the services an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. In the event the responsible district fails to pay the appropriate amount to the district within ninety days after a voucher is submitted, the state department of elementary and secondary education shall deduct the appropriate amount due from the next payments of any state financial aid due that district and shall pay the same to the appropriate district.

4. In cases where a child whose domicile is in one district is placed in programs or facilities operated by the department of mental health or resides in another district pursuant to assignment by that department or is placed by the department of social services or a court of competent jurisdiction into any type of publicly contracted residential site in Missouri, the department of elementary and secondary education shall, as soon as funds are appropriated, pay the serving district from funds appropriated for that purpose the amount by which the per-pupil costs of the educational services exceeds the amounts received from the domiciliary district except that any other state money received by the serving district by virtue of rendering such service shall reduce the balance due.

5. Institutions providing a place of residence for children whose parents or guardians do not reside in

the district in which the institution is located shall have authority to enroll such children in a program in the district or special district in which the institution is located and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section. The provisions of this subsection shall not apply to placement authorized pursuant to subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in the district or special district. "Institution" as used in this subsection means a facility organized under the laws of Missouri for the purpose of providing care and treatment of juveniles.

6. Children residing in institutions providing a place of residence for three or more such children whose domicile is not in the state of Missouri may be admitted to schools or programs provided on a contractual basis between the school district, special district or state department or agency and the proper department or agency, or persons in the state where domicile is maintained. Such contracts shall not be permitted to place any financial burden whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

7. For purposes of this section the domicile of the child shall be the school district where the child would have been educated if the child had not been placed in a different school district. No provision of this section shall be construed to deny any child domiciled in Missouri appropriate and necessary, gratuitous public services.

8. For the purpose of distributing state aid under section 163.031, RSMo, a child receiving educational services provided by the district in which the child actually resides, other than the district of domicile, shall be included in average daily attendance, as defined under section 163.011, RSMo, of the district providing the educational services for the child.

9. Each school district or special school district where the child actually resides, other than the district of domicile, may receive payment from the department of elementary and secondary education, in lieu of receiving the local tax effort from the domiciliary school district. Such payments from the department shall be subject to appropriation and shall only be made for children that have been placed in a school other than the domiciliary school district by a state agency or a court of competent jurisdiction and from whom excess educational costs are billed to the department of elementary and secondary education."; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 20**:

**SENATE AMENDMENT NO. 20**

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after said line the following:

**"161.850. 1. By January 1, 2010, the department of elementary and secondary education shall develop and produce a publication entitled "The Parents' Bill of Rights" that shall be designed to inform parents of children with an individualized education program of their educational rights provided under federal and state law. The publication shall also state that it does not confer any right or rights beyond those conferred by federal or state law. The publication shall also state that it is for informational purposes only. The department shall post a copy of this publication on its website. The publication shall contain the department's contact information.**

**2. The publication shall contain, but may not be limited to, the following information presented**

**in a clear and concise manner:**

**(1) The right of parents to attend individualized education program meetings and represent their child's interests;**

**(2) The right of parents to have an advocate or expert present at an individualized education program meeting, which may include a Missouri Parents Act staff member;**

**(3) The right of parents to receive a copy of the child's evaluation and to disagree with its results and request one independent educational evaluation at public expense;**

**(4) The right of parents to provide a written report from outside sources as part of the evaluation process;**

**(5) The right of parents to examine all school records pertaining to the child and be provided with a copy of the individualized education program;**

**(6) The right of parents to disagree with the decision of the school district and the individualized education program team and to pursue complaint procedures, including a child complaint filed with the department of elementary and secondary education, state-paid mediation, and other due process rights;**

**(7) The right of parents with a child with an individualized education program to participate in reviews of such program, participate in any decision to change any aspects of the individualized education program, and meet with school officials whenever a change occurs in their child's education program or classroom placement;**

**(8) The right of a child to be placed in the least restrictive environment and be placed in a general education classroom, to the greatest extent possible;**

**(9) The right of parents with limited English language proficiency to have an interpreter at individualized education program meetings. The school district shall arrange for such an interpreter;**

**(10) The right of parents to have a free appropriate public education for their child with an individualized education program, which may include, but not be limited to, services and therapies such as assessment, behavior management training and supports, communication and language therapy, consultation on individualized education, information and referral assistance, life skills, occupational therapy, sensory integration therapy, and behavior therapy, such as applied behavior analysis.**

**3. Each school district shall provide the parent or parents of a child with a copy of this publication upon initial referral for evaluation, and at any such time as a school district is required under state or federal law to provide the parent or parents with notice of procedural safeguards.**

**4. The department of elementary and secondary education shall promulgate rules and regulations necessary to implement the provisions of this section, including but not limited to, the manner in which the publication described in this section shall be distributed.**

**5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general**

**assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered SA 21:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19, by inserting after said line the following:

“168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it:

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section;

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed; [or]

**(4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (1) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the**

**holders of such certificates; or**

(5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, elementary education, or special education. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

- (a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;
- (b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;
- (c) Attainment of a successful performance-based teacher evaluation; and
- (d) Participate in a beginning teacher assistance program.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

- (a) Participate in a mentoring program approved and provided by the district for a minimum of two years;
- (b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, **or for holders of a certificate under subdivision (4) of subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full-time;** and
- (c) Participate in a beginning teacher assistance program;

(2) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision [(4)] **(5)** of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon an appropriate background check, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state **or certification under subdivision (4) of subsection 1 of this section**, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

- (1) Is the spouse of a member of the armed forces stationed in Missouri;
- (2) Relocated from another state within one year of the date of application;
- (3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and
- (4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, RSMo, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

8. The provisions of subdivision [(4)] **(5)** of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 22**:

#### SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19, by inserting after said line the following:

**“167.018. 1. Sections 167.018 and 167.019 shall be known and may be cited as the “Foster Care Education Bill of Rights”.**

**2. Each school district shall designate a staff person as the educational liaison for foster care children. The liaison shall do all of the following in an advisory capacity:**

- (1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children;**
- (2) Assist foster care pupils when transferring from one school to another or from one school district to another, by ensuring proper transfer of credits, records, and grades;**
- (3) Request school records, as provided in section 167.022, within two business days of placement of a foster care pupil in a school; and**
- (4) Submit school records of foster care pupils within three business days of receiving a request for school records, under subdivision (3) of this subsection.**

**167.019. 1.** A child placing agency, as defined under section 210.481, RSMo, shall promote educational stability for foster care children by considering the child's school attendance area when making placement decisions. The foster care pupil shall have the right to remain enrolled in and attend his or her school of origin pending resolution of school placement disputes.

**2.** Each school district shall accept for credit full or partial course work satisfactorily completed by a pupil while attending a public school, nonpublic school, or nonsectarian school in accordance with district policies or regulations.

**3.** If a pupil completes the graduation requirements of his or her school district of residence while under the jurisdiction of the juvenile court as described in chapter 211, RSMo, the school district of residence shall issue a diploma to the pupil.

**4.** School districts shall ensure that if a pupil in foster care is absent from school due to a decision to change the placement of a pupil made by a court or child placing agency, or due to a verified court appearance or related court-ordered activity, the grades and credits of the pupil shall be calculated as of the date the pupil left school, and no lowering of his or her grades shall occur as a result of the absence of the pupil under these circumstances.

**5.** School districts, subject to federal law, shall be authorized to permit access of pupil school records to any child placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile officer or by law and to assist with the school transfer or placement of a pupil.

**6.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

**210.1050. 1.** For purposes of this section, for pupils in foster care or children placed for treatment in a licensed residential care facility by the department of social services, "full school day" shall mean six hours in which the child is under the guidance and direction of teachers in the educational process.

**2.** Each pupil in foster care or child placed for treatment in a licensed residential care facility by the department of social services shall be entitled to a full school day of education unless the school district determines that fewer hours are warranted.

**3.** The commissioner of education, or his or her designee, shall be an ombudsman to assist the family support team and the school district as they work together to meet the needs of children placed for treatment in a licensed residential care facility by the department of social services. The ombudsman shall have the final decision over discrepancies regarding school day length. A full school day of education shall be provided pending the ombudsman's final decision.

**4.** Nothing in this section shall be construed to infringe upon the rights or due process provisions of the federal Individuals with Disabilities Education Act. The provisions of the Individuals with Disabilities Education Act shall apply and control in decisions regarding school day. Nothing in this section shall be construed to deny any child domiciled in Missouri appropriate and necessary free



**public education services.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered **SA 23**, which was read:

**SENATE AMENDMENT NO. 23**

Amend Senate Substitute for Senate Bill No. 291, Page 9, Section 162.1250, Line 12, by inserting after said line the following:

**“6. Any special school district shall count any student's attendance in a virtual course or program in the same manner as any other course or program.”**

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Wright-Jones offered **SA 24**:

**SENATE AMENDMENT NO. 24**

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19, by inserting after said line the following:

**“170.043. 1. Beginning with school year 2010-2011, each school district shall ensure that:**

**(1) Physical education classes shall be required for students from kindergarten to fifth grade and shall include at least one hundred fifty minutes of movement each week, consistent with the recommendations of the National Association for Sport and Physical Education as approved by the American Heart Association;**

**(2) Each child for whom it is appropriate shall have available the opportunity to participate in learning individual health self-assessment skills, including but not limited to calculating body-mass index, resting heart rate, perceived exertion levels, and target heart rate, and participating in programs that demonstrate the effects of consistent good choices such as exercise or food selection; and**

**(3) Students are encouraged in self-improvement and sustaining healthy fitness levels. If a school or school district maintains a web page, the school or district shall create a fitness page or other suitable computer application for students to record their self-assessment statistics. Any such page shall provide an appropriate level of protection of individual student records, consistent with the federal Health Information Portability and Accountability Act.**

**2. School districts shall engage, where possible, in creating community and business partnerships that will supply the resources to reward schools for improved health status through their school health councils, as required by the school wellness policy.**

**3. Each year the commissioner of education shall select for recognition students, schools, and school districts that are considered to have achieved improvement in fitness.”; and**

Further amend the title and enacting clause accordingly.

Senator Wright-Jones moved that the above amendment be adopted, which motion prevailed.

Senator Wright-Jones offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Bill No. 291, Page 28, Section 313.822, Line 27, by inserting after said line the following:

**“Section 1. 1. Beginning with school year 2010-2011, each school district shall ensure that:**

**(1) Physical education classes shall be required for students from sixth to twelfth grade and shall include at least two hundred twenty-five minutes of movement each week, consistent with the recommendations of the National Association for Sport and Physical Education as approved by the American Heart Association;**

**(2) Each child for whom it is appropriate shall have available the opportunity to participate in learning individual health self-assessment skills, including but not limited to calculating body-mass index, resting heart rate, perceived exertion levels, and target heart rate, and participating in programs that demonstrate the effects of consistent good choices such as exercise or food selection; and**

**(3) Students are encouraged in self-improvement and sustaining healthy fitness levels. If a school or school district maintains a web page, the school or district shall create a fitness page or other suitable computer application for students to record their self-assessment statistics. Any such page shall provide an appropriate level of protection of individual student records, consistent with the federal Health Information Portability and Accountability Act.**

**2. School districts shall engage in creating community and business partnerships that will supply the resources to reward schools for improved health status through their school health councils, as required by the school wellness policy.**

**3. Each year the commissioner of education shall select for recognition students, schools, and school districts that are considered to have achieved improvement in fitness.”; and**

Further amend the title and enacting clause accordingly.

Senator Wright-Jones moved that the above amendment be adopted, which motion failed.

Senator Cunningham offered SA 26:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Bill No. 291, Pages 9-21, Section 163.011, by striking said section from the bill and inserting in lieu thereof the following:

**“163.011. As used in this chapter unless the context requires otherwise:**

**(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;**

**(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours, except for physical education hours that do not count as credit toward graduation for**

students in grades nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation, “current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) **of this subdivision** plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) “District's tax rate ceiling”, the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) “Dollar-value modifier”, an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) “County wage per job”, the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) “Regional wage per job”:

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) “Regional wage ratio”, the ratio of the regional wage per job divided by the state median wage per job;

(d) “State median wage per job”, the fifty-eighth highest county wage per job;

(6) “Free and reduced lunch pupil count”, the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) “Limited English proficiency threshold” shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

(a) For the fiscal year 2007 calculation, “local effort” shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats,

payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils. "Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) "Performance district", any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) "Performance levy", three dollars and forty-three cents;

(15) "School purposes" pertains to teachers' and incidental funds;

(16) "Special education pupil count", the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one

million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) “Special education threshold” shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts [plus the total amount of funds placed in the schools first elementary and secondary education improvement fund in the preceding fiscal year divided by the total average daily attendance of all school districts for the preceding fiscal year]. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data[; provided that the state adequacy target shall be recalculated every year to reflect the per-pupil amount of funds placed in the schools first elementary and secondary education improvement fund in the preceding fiscal year]. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.”; and

Further amend said bill, Page 26, section 166.300, Line 19, by inserting after all of said line the following:

“168.221. 1. The first five years of employment of all teachers entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers shall expire at the end of each school year. During the probationary period any probationary teacher whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher shall be dismissed. The semester granted the probationary teacher in which to improve shall not in any case be a means of prolonging the probationary period beyond five years and six months from the date on which the teacher entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers who will not be retained by the school district of the termination of their services. Any probationary teacher who is not so notified shall be deemed to have been appointed for the next school year. Any principal who prior to becoming a principal had attained permanent employee status as a teacher shall upon ceasing to be a principal have a right to resume his or her permanent teacher position with the time served as a principal being treated as if such time had been served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly a principal shall be the same as any other teacher with the same level of qualifications and time of service.

2. After completion of satisfactory probationary services, appointments of teachers shall become permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher shall not be included.

3. No teacher whose appointment has become permanent may be removed except for one or more of the following causes: immorality, inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred, who shall have the privilege of being present, together with counsel, offering evidence and making defense thereto. Notifications received by an employee during a vacation period shall be considered as received on the first day of the school term following. At the request of any person so charged the hearing shall be public. The action and decision of the board upon the charges shall be final. Pending the hearing of the charges, the person charged may be suspended if the rules of the board so prescribe, but in the event the board does not by a majority vote of all the members remove the teacher upon charges presented by the superintendent, the person shall not suffer any loss of salary by reason of the suspension. Inefficiency in line of duty is cause for dismissal only after the teacher has been notified in writing at least one semester prior to the presentment of charges against him by the superintendent. The notification shall specify the nature of the inefficiency with such particularity as to enable the teacher to be informed of the nature of his inefficiency.

4. No teacher whose appointment has become permanent shall be demoted nor shall his salary be reduced unless the same procedure is followed as herein stated for the removal of the teacher because of

inefficiency in line of duty, and any teacher whose salary is reduced or who is demoted may waive the presentment of charges against him by the superintendent and a hearing thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the compulsory retirement age under the retirement system. Nothing herein contained shall in any way restrict or limit the power of the board of education to make reductions in the number of teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except that the abolition of particular subjects or courses of instruction shall not cause those teachers who have been teaching the subjects or giving the courses of instruction to be placed on leave of absence as herein provided who are qualified to teach other subjects or courses of instruction, if positions are available for the teachers in the other subjects or courses of instruction.

5. Whenever it is necessary to decrease the number of teachers because of insufficient funds or a substantial decrease of pupil population within the school district, the board of education upon recommendation of the superintendent of schools may cause the necessary number of teachers beginning with those serving probationary periods to be placed on leave of absence without pay, but only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by the board of education of existing salary schedules. No teacher placed on a leave of absence shall be precluded from securing other employment during the period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in inverse order of his placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous years of service. No new appointments shall be made while there are available teachers on leave of absence who are seventy years of age or less and who are adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of schools within thirty days from the date of notification by the superintendent of schools that positions are available to them that they will return to employment and will assume the duties of the position to which appointed not later than the beginning of the school year next following the date of the notice by the superintendent of schools.

6. If any regulation which deals with the promotion of [either] teachers is amended by increasing the qualifications necessary to be met before a teacher is eligible for promotion, the amendment shall fix an effective date which shall allow a reasonable length of time within which teachers may become qualified for promotion under the regulations.

**7. A teacher whose appointment has become permanent may give up the right to a permanent appointment to participate in the teacher choice compensation package under sections 168.745 to 168.750.**

**168.745. 1. There is hereby created the “Teacher Choice Compensation Package” to permit performance-based salary stipends upon the decision of the teacher in a metropolitan school district as described in section 168.747, to reward teachers for objectively demonstrated superior performance.**

**2. There is hereby created the “Teacher Choice Compensation Fund” in the state treasury. The fund shall be administered by the department of elementary and secondary education. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo.**

**3. The teacher choice compensation fund shall consist of all moneys transferred to it under this section, and all moneys otherwise appropriated to or donated to it. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the**



biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

**168.747. 1.** To be eligible for the teacher choice compensation package, all classroom personnel in a metropolitan school district reported as a code forty, fifty, or sixty through the core data system of the department of elementary and secondary education shall opt out of his or her indefinite contract under section 168.221 for the duration of employment with the district. A teacher may decide to end his or her eligibility for the teacher choice stipend but may not resume permanent teacher status with that district. A probationary teacher may opt out of consideration for a permanent contract in the second or subsequent years of employment by the district to participate in the teacher choice compensation package but may not return to permanent status in that district or resume the process for qualification for an indefinite contract in that district. A teacher who has chosen the teacher choice compensation package and changes employment to another district may choose to resume the process for qualification for an indefinite contract in that district. The teacher choice compensation package shall only be available for teachers in a metropolitan school district.

**2.** Teachers shall qualify annually in October for the stipends described in section 168.749. Stipends shall be offered in five thousand dollar increments, up to fifteen thousand dollars, but shall not exceed fifty percent of a teacher's base salary, before deductions for retirement but including designated pay for additional duties such as coaching, sponsoring, or mentoring. Any stipend received under section 168.749 shall be in addition to the base salary to which the teacher would otherwise be entitled. Teachers receiving the stipend shall receive any pay and benefits received by teachers of similar training, experience, and duties. Such stipends shall not be considered compensation for retirement purposes.

**3.** Subject to appropriation, the department of elementary and secondary education shall make a payment to the district in the amount of the stipend, to be delivered as a lump sum in January following the October of qualification. If the amount appropriated is not enough to fund the total of five thousand dollar increment payments, the department may prorate the payments.

**4.** Every person employed by the district in a teaching position, regardless of the certification status of the person, who qualifies under any of the indicators listed in section 168.749 is eligible for the teacher choice compensation package. Teachers who are employed less than full-time are eligible for teacher choice stipends on a pro-rated basis. Any teacher who is dismissed for cause who has otherwise qualified for a teacher choice stipend shall forfeit the stipend for that year.

**168.749. 1.** Beginning with school year 2010-2011, teachers who elect to participate in the teacher choice compensation package shall be eligible for stipends based on the following criteria:

**(1)** Score on a value-added test instrument or instruments. Such instruments shall be defined as those which give a reliable measurement of the skills and knowledge transferred to students during the time they are in a teacher's classroom and shall be selected by the school district from one or more of the following assessments:

**(a)** A list of recognized value-added instruments developed by the department of elementary and secondary education;

**(b)** Scores on the statewide assessments established under section 160.518, RSMo, may be used for

this purpose, and the department of elementary and secondary education shall develop a procedure for identifying the value added by teachers that addresses the fact that not all subjects are tested at all grade levels each year under the state assessment program;

(c) Scores on annual tests required by the federal Elementary and Secondary Education Act reauthorization of 2002 for third through eighth grade may be used as value-added instruments if found appropriate after consideration and approval by the state board of education;

(d) A district may choose an instrument after a public hearing of the district board of education on the matter, with the reasons for the selection entered upon the minutes of the meeting; provided, however, that this option shall not be available to districts after scores are established for paragraphs (a), (b), and (c) of this subdivision;

(2) Evaluations by principals or other administrators with expertise to evaluate classroom performance;

(3) Evaluations by parents and by students at their appropriate developmental level.

Model instruments for these evaluations shall be developed or identified by the department of elementary and secondary education. Districts may use such models, may use other existing models, or may develop their own instruments. A district that develops its own instrument shall not use that instrument as its sole method of evaluation.

2. The department of elementary and secondary education shall develop criteria for determining eligibility for stipend increments, including a range of target scores on assessments for use by the districts. The test-score options listed in subdivision (1) of subsection 1 of this section shall be given higher weight than the evaluation options listed in subdivisions (2) and (3) of subsection 1 of this section. The decision of individual districts about the qualifications for each increment based on the evaluations listed in subdivisions (2) and (3) of subsection 1 of this section and for value-added instruments for which target scores have not been developed by the department of elementary and secondary education may address the district's unique characteristics but shall require demonstrably superior performance on the part of the teacher, based primarily on improved student achievement while taking into account classroom demographics including but not limited to students' abilities, special needs, and class size.

168.750. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 168.745 to 168.749 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

313.778. 1. There is hereby created in the state treasury the "Schools First Elementary and Secondary Education Improvement Fund", which shall consist of taxes on excursion gambling boat proceeds as provided in subsection 2 of section 160.534, RSMo, to be used solely for the purpose of increasing funding for elementary and secondary education. The schools first elementary and secondary education improvement fund shall be state revenues collected from gaming activities for purposes of article III, section 39(d) of the constitution. [Moneys in the schools first elementary and secondary education improvement

fund shall be kept separate from the general revenue fund as well as any other funds or accounts in the state treasury.] The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

**2. Five million dollars from the fund shall be transferred annually to the fund created in section 168.745, RSMo, to be used for purposes of sections 168.745 to 168.750, RSMo. The general assembly may appropriate any moneys remaining in the fund for other purposes.”; and**

Further amend said bill, Page 30, Section 313.778, Lines 11 to 23 of said page, by striking all of said section; and

Further amend said bill, Page 30, Section B, Lines 25 and 26, by striking said lines; and

Further amend said bill, Page 30, Section C, Line 27, by striking the following: “Section C” and inserting in lieu thereof the following: “Section B”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 27**, which was read:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Bill No. 291, Page 9, Section 162.1250, Line 12, by inserting after said line the following:

**“6. A school district or charter school may contract with multiple providers of virtual courses or virtual programs, provided they meet the criteria for virtual courses or virtual programs under this section.”.**

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 28**, which was read:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Bill No. 291, Page 28, Section 313.882, Line 27, by inserting after said line the following:

**“Section 1. No school district shall join any organization or entity that discriminates or prohibits home school students from participating in music contests or debate contests. Home school students shall be permitted to compete in music contests and debate contests in the same manner as students of a public school district.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

### PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Shields moved that the vote by which **SA 26** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Engler
Goodman	Justus	Lager	Lembke	Mayer	McKenna	Pearce	Purgason
Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith
Stouffer	Wilson	Wright-Jones—27					

NAYS—Senators—None

Absent—Senators

Bartle	Days	Dempsey	Green	Griesheimer	Nodler—6
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Absent with leave—Senator Vogel—1

Vacancies—None

**SA 26** was again taken up.

At the request of Senator Cunningham, the above amendment was withdrawn.

Senator Cunningham offered **SA 29**:

#### SENATE AMENDMENT NO. 29

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19, by inserting after said line the following:

“168.221. 1. The first five years of employment of all teachers entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers shall expire at the end of each school year. During the probationary period any probationary teacher whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher shall be dismissed. The semester granted the probationary teacher in which to improve shall not in any case be a means of prolonging the probationary period beyond five years and six months from the date on which the teacher entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers who will not be retained by the school district of the termination of their services. Any probationary teacher who is not so notified shall be deemed to have been appointed for the next school year. Any principal who prior to becoming a principal had attained permanent employee status as a teacher shall upon ceasing to be a principal have a right to resume his or her permanent teacher position with the time served as a principal being treated as if such time had been served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly a principal shall be the same as any other teacher with the same level of qualifications and time of service.

2. After completion of satisfactory probationary services, appointments of teachers shall become

permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher shall not be included.

3. No teacher whose appointment has become permanent may be removed except for one or more of the following causes: immorality, inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred, who shall have the privilege of being present, together with counsel, offering evidence and making defense thereto. Notifications received by an employee during a vacation period shall be considered as received on the first day of the school term following. At the request of any person so charged the hearing shall be public. The action and decision of the board upon the charges shall be final. Pending the hearing of the charges, the person charged may be suspended if the rules of the board so prescribe, but in the event the board does not by a majority vote of all the members remove the teacher upon charges presented by the superintendent, the person shall not suffer any loss of salary by reason of the suspension. Inefficiency in line of duty is cause for dismissal only after the teacher has been notified in writing at least one semester prior to the presentment of charges against him by the superintendent. The notification shall specify the nature of the inefficiency with such particularity as to enable the teacher to be informed of the nature of his inefficiency.

4. No teacher whose appointment has become permanent shall be demoted nor shall his salary be reduced unless the same procedure is followed as herein stated for the removal of the teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who is demoted may waive the presentment of charges against him by the superintendent and a hearing thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the compulsory retirement age under the retirement system. Nothing herein contained shall in any way restrict or limit the power of the board of education to make reductions in the number of teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except that the abolition of particular subjects or courses of instruction shall not cause those teachers who have been teaching the subjects or giving the courses of instruction to be placed on leave of absence as herein provided who are qualified to teach other subjects or courses of instruction, if positions are available for the teachers in the other subjects or courses of instruction.

5. Whenever it is necessary to decrease the number of teachers because of insufficient funds or a substantial decrease of pupil population within the school district, the board of education upon recommendation of the superintendent of schools may cause the necessary number of teachers beginning with those serving probationary periods to be placed on leave of absence without pay, but only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by the board of education of existing salary schedules. No teacher placed on a leave of absence shall be precluded from securing other employment during the period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in inverse order of his placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous years of service. No new appointments shall be made while there are available teachers on leave of absence who are seventy years of age or less and who are adequately qualified

to fill the vacancy unless the teachers fail to advise the superintendent of schools within thirty days from the date of notification by the superintendent of schools that positions are available to them that they will return to employment and will assume the duties of the position to which appointed not later than the beginning of the school year next following the date of the notice by the superintendent of schools.

6. If any regulation which deals with the promotion of [either] teachers is amended by increasing the qualifications necessary to be met before a teacher is eligible for promotion, the amendment shall fix an effective date which shall allow a reasonable length of time within which teachers may become qualified for promotion under the regulations.

**7. A teacher whose appointment has become permanent may give up the right to a permanent appointment to participate in the teacher choice compensation package under sections 168.745 to 168.750.**

**168.745. 1. There is hereby created the “Teacher Choice Compensation Package” to permit performance-based salary stipends upon the decision of the teacher in a metropolitan school district as described in section 168.747, to reward teachers for objectively demonstrated superior performance.**

**2. There is hereby created the “Teacher Choice Compensation Fund” in the state treasury. The fund shall be administered by the department of elementary and secondary education. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo.**

**3. The teacher choice compensation fund shall consist of all moneys transferred to it under this section, and all moneys otherwise appropriated to or donated to it. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**4. The general assembly shall annually appropriate five million dollars to the fund created in this section.**

**168.747. 1. To be eligible for the teacher choice compensation package, all classroom personnel in a metropolitan school district reported as a code forty, fifty, or sixty through the core data system of the department of elementary and secondary education shall opt out of his or her indefinite contract under section 168.221 for the duration of employment with the district. A teacher may decide to end his or her eligibility for the teacher choice stipend but may not resume permanent teacher status with that district. A probationary teacher may opt out of consideration for a permanent contract in the second or subsequent years of employment by the district to participate in the teacher choice compensation package but may not return to permanent status in that district or resume the process for qualification for an indefinite contract in that district. A teacher who has chosen the teacher choice compensation package and changes employment to another district may choose to resume the process for qualification for an indefinite contract in that district. The teacher choice compensation package shall only be available for teachers in a metropolitan school district.**

**2. Teachers shall qualify annually in October for the stipends described in section 168.749. Stipends shall be offered in five thousand dollar increments, up to fifteen thousand dollars, but shall**

not exceed fifty percent of a teacher's base salary, before deductions for retirement but including designated pay for additional duties such as coaching, sponsoring, or mentoring. Any stipend received under section 168.749 shall be in addition to the base salary to which the teacher would otherwise be entitled. Teachers receiving the stipend shall receive any pay and benefits received by teachers of similar training, experience, and duties. Such stipends shall not be considered compensation for retirement purposes.

3. Subject to appropriation, the department of elementary and secondary education shall make a payment to the district in the amount of the stipend, to be delivered as a lump sum in January following the October of qualification. If the amount appropriated is not enough to fund the total of five thousand dollar increment payments, the department may prorate the payments.

4. Every person employed by the district in a teaching position, regardless of the certification status of the person, who qualifies under any of the indicators listed in section 168.749 is eligible for the teacher choice compensation package. Teachers who are employed less than full-time are eligible for teacher choice stipends on a pro-rated basis. Any teacher who is dismissed for cause who has otherwise qualified for a teacher choice stipend shall forfeit the stipend for that year.

168.749. 1. Beginning with school year 2010-2011, teachers who elect to participate in the teacher choice compensation package shall be eligible for stipends based on the following criteria:

(1) Score on a value-added test instrument or instruments. Such instruments shall be defined as those which give a reliable measurement of the skills and knowledge transferred to students during the time they are in a teacher's classroom and shall be selected by the school district from one or more of the following assessments:

(a) A list of recognized value-added instruments developed by the department of elementary and secondary education;

(b) Scores on the statewide assessments established under section 160.518, RSMo, may be used for this purpose, and the department of elementary and secondary education shall develop a procedure for identifying the value added by teachers that addresses the fact that not all subjects are tested at all grade levels each year under the state assessment program;

(c) Scores on annual tests required by the federal Elementary and Secondary Education Act reauthorization of 2002 for third through eighth grade may be used as value-added instruments if found appropriate after consideration and approval by the state board of education;

(d) A district may choose an instrument after a public hearing of the district board of education on the matter, with the reasons for the selection entered upon the minutes of the meeting; provided, however, that this option shall not be available to districts after scores are established for paragraphs (a), (b), and (c) of this subdivision;

(2) Evaluations by principals or other administrators with expertise to evaluate classroom performance;

(3) Evaluations by parents and by students at their appropriate developmental level.

Model instruments for these evaluations shall be developed or identified by the department of elementary and secondary education. Districts may use such models, may use other existing models, or may develop their own instruments. A district that develops its own instrument shall not use that

instrument as its sole method of evaluation.

2. The department of elementary and secondary education shall develop criteria for determining eligibility for stipend increments, including a range of target scores on assessments for use by the districts. The test-score options listed in subdivision (1) of subsection 1 of this section shall be given higher weight than the evaluation options listed in subdivisions (2) and (3) of subsection 1 of this section. The decision of individual districts about the qualifications for each increment based on the evaluations listed in subdivisions (2) and (3) of subsection 1 of this section and for value-added instruments for which target scores have not been developed by the department of elementary and secondary education may address the district's unique characteristics but shall require demonstrably superior performance on the part of the teacher, based primarily on improved student achievement while taking into account classroom demographics including but not limited to students' abilities, special needs, and class size.

168.750. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 168.745 to 168.749 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Wilson offered SA 30:

SENATE AMENDMENT NO. 30

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after said line the following:

“161.800. 1. This section establishes a program for public elementary and secondary schools to increase volunteer and parental involvement. The program shall be known and may be cited as the “Volunteer and Parents Incentive Program”. The department of elementary and secondary education shall implement and administer the program.

2. For purposes of this section, the following terms shall mean:

(1) “At risk student”:

(a) A student who is still of school age but whose continued education is in jeopardy because the student is experiencing academic deficits, including but not limited to:

a. Being one or more years behind their age or grade level in mathematics or reading skills through eighth grade or three or more credits behind in the number of credits toward graduation from the ninth grade through twelfth grade;

b. Having low scores on tests of academic achievement and scholastic aptitude;

c. Having low grades and academic deficiencies;



- d. Having a history of failure and being held back in school;**
- e. Having language problems or being from a non-English speaking home; or**
- f. Not having access to appropriate educational programs.**

**(b) A student may also be considered “at risk” if the student has any of the following:**

- a. A parent or sibling who dropped out of school;**
  - b. Experienced numerous family relocations;**
  - c. Poor social adjustment, or deviant social behavior;**
  - d. Employment of more than twenty hours per week while school is in session;**
  - e. Been the victim of racial or ethnic prejudice;**
  - f. Low self-esteem and expectations of teachers, parents, and the community;**
  - g. A poorly educated mother or father;**
  - h. Children of their own;**
  - i. A deprived environment that slows economic and social development;**
  - j. A fatherless home;**
  - k. Been the victim of personal or family abuse, including substance abuse, emotional abuse, and sexual abuse;**
- (2) “Department”, the department of elementary and secondary education;**
- (3) “Institution of higher education”, a four year college or university located in the state of Missouri;**
- (4) “Program”, the volunteer and parents incentive program;**
- (5) “Qualifying public school”, a school located in Missouri that:**
- (a) Is located in a school district that has been classified by the state board of education as unaccredited or provisionally accredited; or**
  - (b) That has a student population of more than fifty percent at-risk students.**

**3. Subject to appropriation, the department shall provide a reimbursement to parents or volunteers who donate time at a qualifying public school. For every one hundred hours that a parent or volunteer donates to a qualifying public school, the department shall provide a reimbursement of up to five hundred dollars towards the cost of three credit hours of education from a public institution of higher education located in Missouri. The reimbursement shall occur after completion of the three credit hours of education. The reimbursement amount shall not exceed five hundred dollars every two years.**

**4. A school district that participates in the program shall verify to the department the time donated by a parent or volunteer.**

**5. If a school district that participates in the program becomes classified as accredited by the state board of education, the school district may continue to participate in the program for an additional**

two years.

6. The department of elementary and secondary education shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

7. There is hereby created in the state treasury the “Volunteer and Parents Incentive Program Fund”, which shall consist of general revenue appropriated to the program, funds received from the federal government, and voluntary contributions to support or match program activities. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of the volunteer and parents incentive program. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted, which motion prevailed.

Senator Wilson offered SA 31:

SENATE AMENDMENT NO. 31

Amend Senate Substitute for Senate Bill No. 291, Page 1, Section A, Line 6, by inserting after said line the following:

“160.375. 1. There is hereby established the “Missouri Senior Cadets Program”, which shall be administered by the department of elementary and secondary education. The program shall encourage high school seniors to mentor kindergarten through eighth grade students in their respective school districts for a minimum of ten hours per week during the school year.

2. In order to be a mentor in the program, a student must:

(1) Be a Missouri resident who attends a Missouri high school;

(2) Possess a cumulative grade point average of at least three on a four-point scale or equivalent; and

(3) Plan to attend college.

3. The department of elementary and secondary education shall promulgate rules to implement this section, which shall include, but may not be limited to, guidelines for school districts and mentors in the program. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

4. The mentor shall work with the school principal, classroom teachers, and other applicable school personnel in planning and implementing the mentoring plan. Such mentoring may occur before, during, or after school.

5. If a mentor in the program successfully provides mentoring services for an average of at least ten hours per week during a school year, the following shall apply:

(1) The mentor shall receive one hour of elective class credit, which may satisfy graduation requirements; and

(2) Should the mentor attend college with the stated intention of becoming a teacher, the mentor shall be reimbursed, subject to appropriation, by the department of elementary and secondary education for the costs of three credit hours per semester for a total of no more than eight semesters.

6. There is hereby established in the state treasury a fund to be known as the "Missouri Senior Cadets Fund", which shall consist of all moneys that may be appropriated to it by the general assembly, and in addition may include any gifts, contributions, grants, or bequests received from federal, state, private, or other sources. The fund shall be administered by the department of elementary and secondary education. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, moneys in the fund shall be used solely for the administration of the Missouri senior cadets program. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) Any new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset."; and

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 32**, which was read:

SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Bill No. 291, Page 25, Section 166.300, Line 3, by striking the word “only” from said line; and

Further amend said page, lines 4-5, by striking said lines from the bill and inserting in lieu thereof the following: **“grants on a per pupil basis for the cost of capital improvement project.”**.

Senator Crowell moved that the above amendment be adopted.

Senator Engler offered **SSA 1** for **SA 32**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Bill No. 291, Pages 21-26, Section 166.300, by striking all of said section from the bill; and

Further amend said bill, page 28, section 313.822, line 27, by inserting after said line the following:

**“Section 1. 1. There is hereby created within the state treasury a fund to be known as the “School Building Repair Fund”, which shall consist of all moneys that may be appropriated to it by the general assembly, and in addition may include any gifts, contributions, grants, or bequests received from federal, state, private, or other sources. The fund shall be administered by the state board of education. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, moneys in the fund shall be used solely for the administration of the school building repair fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**2. Moneys in the fund shall be distributed by the state board of education to each school district in this state qualified to receive state aid pursuant to section 163.021, RSMo, on an average daily attendance basis.”; and**

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above substitute amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 33**:

SENATE AMENDMENT NO. 33

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after said line the following:

**“161.072. The state board of education shall meet semiannually in December and in June in Jefferson City. Other meetings may be called by the president of the board on [five] seven days' written notice to the members. In the absence of the president, the commissioner of education shall call a meeting on request of [four] three members of the board, and if both the president and the commissioner of education are absent**

or refuse to call a meeting, any [four] **three** members of the board may call a meeting by similar notices in writing. **The business to come before the board shall be available by free electronic record at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available by free electronic media within forty-eight hours following the conclusion of every meeting. Any materials prepared for the members of the board by the staff shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010, RSMo, and are not permitted to be closed under section 610.021, RSMo, shall be made available by free electronic media at least five business days in advance of the meeting.**

161.122. The commissioner of education shall supervise the department of elementary and secondary education. Either in person or by deputy, he **or she** shall confer with and advise county and school district officers, teachers, and patrons of the public schools on all matters pertaining to the school law; visit and supervise schools, and make suggestions in regard to the subject matter and methods of instruction, the control and government of the schools, and the care and keeping of all school property; attend and assist in meetings of teachers, directors, and patrons of the public schools; and seek in every way to elevate the standards and efficiency of the instruction given in the public schools of the state. **The commissioner shall study and evaluate and test the progress, or lack thereof, in achieving these objectives and shall promptly make public by free electronic media the results of all studies and evaluations and tests insofar as consistent with student or parental privacy rights contained in federal or state law.”; and**

Further amend said bill, page 26, section 166.300, line 19, by inserting after said line the following:

“167.275. **1.** Effective January 1, 1991, all public and nonpublic secondary schools shall report to the state literacy hot line office in Jefferson City the name, mailing address and telephone number of all students sixteen years of age or older who drop out of school for any reason other than to attend another school, college or university, or enlist in the armed services. Such reports shall be made either by using the telephone hot line number or on forms developed by the department of elementary and secondary education. Upon such notification, the state literacy hot line office shall contact the student who has been reported and refer that student to the nearest location that provides adult basic education instruction leading to the completion of a general educational development certificate.

**2. All records and reports from or based upon the reports required by this section shall be made available by free electronic record on the department's web site or otherwise on the first business day of each month. The names of the students who drop out and any other information which might identify such students shall not be included in the records and reports made available by free electronic media.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SB 291**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SB 291**, as amended, was declared perfected and ordered printed.

## INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, members of Warrensburg Chamber of Commerce.

Senator Goodman introduced to the Senate, Scott George, Mt. Vernon.

Senator Barnitz introduced to the Senate, Chuck Simino, Claudia Sands and thirty-five Embarq employees from around the state.

Senator Engler introduced to the Senate, students from St. Paul Lutheran School, Farmington.

Senator Green introduced to the Senate, Gregory and Christina Heise and their daughter, Julia, Florissant; and Julia was made an honorary page.

Senator Mayer introduced to the Senate, Mitch Davis, Aaron Henderson, Chris Killian, Cody Knodell, Derek Spencer, Cameron Caldwell, David Gaebler, Nathan Smith, Skyler Kinsey, Christian Greer, Ryan Stoll, Justin Francis, Megan Richardson, Taylor Worley, Haleigh Sutton, Mary Payne, Whitney Stewart, Caroline Barton, Taylor Armes, and Frani and Christina Dunivan, members of Poplar Bluff Teenage Republicans.

Senator Barnitz introduced to the Senate, fourth grade students from St. Joseph School, Westphalia.

Senator Engler introduced to the Senate, Mr. and Mrs. Jack Adams, Ironton.

Senator Cunningham introduced to the Senate, students from Mason Ridge School, Town and Country.

Senator Days introduced to the Senate, Steven and Sandy York and their children, Steven and Emily, Florissant.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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FORTY-SECOND DAY—THURSDAY, MARCH 26, 2009

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 247  
HCS for HB 236  
HB 91-Pollock, et al  
HCS for HBs 93 & 216  
HB 269-Parson, et al  
HB 488-Schad, et al  
HB 490-Schad, et al  
HB 83-Wood  
HCS for HB 148  
HCS for HB 154

HB 376-Hobbs, et al  
HB 395-Nance, et al  
HB 218-Ervin  
HB 400-Nasheed, et al  
HB 506-Funderburk, et al  
HCS for HB 251  
HB 259-Tilley  
HCS for HB 124  
HB 69-Storch  
HB 229-Ervin

### THIRD READING OF SENATE BILLS

1. SCS for SB 176-Stouffer

2. SS for SB 58-Stouffer (In Fiscal Oversight)

- |  |                                       |
|--|---------------------------------------|
| 3. SS for SCS for SB 167-Rupp<br>(In Fiscal Oversight) | 8. SCS for SB 188-Dempsey, et al      |
| 4. SCS for SB 130-McKenna, et al                       | 9. SB 272-Lager (In Fiscal Oversight) |
| 5. SS#2 for SCS for SB 5-Griesheimer                   | 10. SCS for SB 355-Dempsey            |
| 6. SCS for SJR 5-Schmitt and Lembke                    | 11. SB 256-Schaefer                   |
| 7. SCS for SBs 65 & 43-Rupp, et al                     | 12. SS for SCS for SB 89-Stouffer     |

#### SENATE BILLS FOR PERFECTION

- |                                    |   |
|------------------------------------|---|
| 1. SB 307-Dempsey and Rupp         | 9. SB 117-Green, with SCS                   |
| 2. SB 306-Dempsey, et al, with SCS | 10. SB 94-Justus, et al, with SCS           |
| 3. SJR 3-Crowell                   | 11. SB 477-Wright-Jones                     |
| 4. SB 409-Stouffer, with SCS       | 12. SB 141-Smith and Wright-Jones, with SCS |
| 5. SB 364-Clemens and Schaefer     | 13. SB 267-Mayer and Green                  |
| 6. SB 527-Nodler and Bray          | 14. SBs 335 & 16-Rupp, with SCS             |
| 7. SB 539-Schaefer, with SCS       | 15. SBs 207 & 245-Rupp, with SCS            |
| 8. SB 321-Days, et al, with SCS    | 16. SB 172-Green and Cunningham             |

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 7-Griesheimer, with SS (pending)   | SCS for SB 189-Shields   |
| SB 18-Bray, et al, with SCS & SS for SCS<br>(pending)   | SB 216-Scott, with SCS   |
| SB 29-Stouffer  | SBs 223 & 226-Goodman, with SCS (pending)  |
| SBs 45, 212, 136, 278, 279, 285 &<br>288-Pearce, with SCS, SS#2 for SCS<br>and SA 2 (pending) | SB 236-Lembke  |
| SB 57-Stouffer, with SCS  | SBs 261, 159, 180 & 181-Bartle and Goodman,<br>with SCS & SS#3 for SCS (pending) |
| SB 72-Stouffer, with SCS  | SB 264-Mayer   |
| SB 174-Griesheimer and Goodman, with<br>SCS, SS#2 for SCS & SA 2 (pending)                    | SB 284-Lembke, et al   |
|   | SB 363-Griesheimer, with SCS, SS for SCS<br>and SA 2 (pending)                   |

CONSENT CALENDAR

Senate Bills

Reported 3/11

SB 513-Dempsey	SB 485-Pearce
SB 396-Justus	SB 480-Shoemyer
SB 421-Pearce	SB 394-Ridgeway, with SCS
SB 435-Lembke	SB 464-Stouffer
SB 296-Scott	SB 447-Pearce
SB 276-Barnitz	SB 399-Justus
SB 337-Rupp	SB 387-Barnitz
SB 468-Justus, with SCS	SB 386-Lager
SB 338-Rupp, with SCS	SB 377-Rupp
SB 318-Lembke, with SCS	SB 266-Mayer
SB 398-Barnitz	SB 253-Justus, with SCS
SB 357-Purgason	SB 526-Clemens

Reported 3/12

SB 507-Callahan	SB 411-Crowell, with SCS
SB 563-Smith, with SCS	SB 161-Crowell

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order (pending)	SCR 14-Schmitt
SCR 7-Pearce	SCR 21-Clemens
SR 207-Lembke and Smith, with SCS & SS for SCS (pending)	SCR 10-Rupp
SCR 11-Bartle, et al	SCR 18-Bartle and Rupp
	SCR 23-Schmitt

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-SECOND DAY—THURSDAY, MARCH 26, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I sometimes wonder whether all pleasures are not substitutes for joy.” (C.S. Lewis)

Loving God, help us as we go through our work this day to do so exceedingly well. And ride with us as we head home to loved ones. While we are with them let us discover true joy with them and not just the pleasures that are not lasting. Abide with us and bless us and help us to come to know You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Pro Tem Shields assumed the Chair.

### **RESOLUTIONS**

Senator Mayer offered Senate Resolution No. 598, regarding the 2008-2009 Dexter High School Bearcats girls basketball team, which was adopted.

Senator Mayer offered Senate Resolution No. 599, regarding Larry Kelly, Doniphan, which was adopted.

Senator Mayer offered Senate Resolution No. 600, regarding Lorene Thomason, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 601, regarding Dan Townsend, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 602, regarding Jennie Davidson, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 603, regarding Jake Ward, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 604, regarding Beth Gilbreath, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 605, regarding James Gilbreath, Dexter, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 606, regarding Nicole Colbert-Botchway, Saint Louis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 607, regarding Jerry Tilden, Unionville, which was adopted.

Senator McKenna offered Senate Resolution No. 608, regarding Cedar Springs Elementary School, Northwest R-I School District, which was adopted.

Senator Mayer offered Senate Resolution No. 609, regarding Bootheel Recycling, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 610, regarding Southern Missouri Bank, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 611, regarding Dexter O.A.K.S. Senior Center, which was adopted.

Senator Mayer offered Senate Resolution No. 612, regarding Ozark Wellness and Athletic Club, Dexter, which was adopted.

Senator Wilson offered Senate Resolution No. 613, regarding the Ninetieth Birthday of Fred Curls, Kansas City, which was adopted.

Senator Barnitz offered Senate Resolution No. 614, regarding Oak Hill R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 615, regarding Green Forest R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 616, regarding Dent-Phelps R-III School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 617, regarding Gasconade County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 618, regarding Gasconade County R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 619, regarding Wellsville Middletown R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 620, regarding Osage County R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 621, regarding Osage County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 622, regarding Osage County R-III School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 623, regarding Saint James R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 624, regarding Rolla 31 School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 625, regarding Richland R-IV School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 626, regarding Waynesville R-VI School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 627, regarding Crocker R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 628, regarding the Ninety-fifth Birthday of Wilborn Glen Heavin, Rolla, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 406**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, Senator Engler submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred

**SB 378**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 558**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SJR 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 555**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dempsey assumed the Chair.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 272** and **SS** for **SB 58**, begs leave to report that it has considered the same and recommends that the bills do pass.

### **THIRD READING OF SENATE BILLS**

**SCS** for **SB 176**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 176**

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Alzheimer's state plan task force, with an expiration date.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS** for **SB 176** was read the 3rd time and passed by the following vote:

#### **YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

**NAYS—Senators—None**

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS for SB 58**, introduced by Senator Stouffer, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 58

An Act to repeal sections 21.795, 23.140, 226.030, 301.147, 301.190, 301.3150, 301.3152, 301.3154, 302.230, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 304.155, 304.170, 304.260, 307.350, 311.326, 387.040, 643.303, and 643.315, RSMo, and to enact in lieu thereof twenty-seven new sections relating to transportation, with penalty provisions and an effective date for certain sections.

Was taken up.

On motion of Senator Stouffer, **SS for SB 58** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 130**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 130

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the use of electronic

wireless telecommunication devices while operating a motor vehicle upon the highways of this state, with penalty provisions.

Was taken up by Senator McKenna.

On motion of Senator McKenna, **SCS** for **SB 130** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Crowell	Justus	Purgason—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

At the request of Senator Griesheimer, **SS No. 2** for **SCS** for **SB 5** was placed on the Informal Calendar.

**SCS** for **SJR 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 5

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 18(b) of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to assessors.

Was taken up by Senator Schmitt.

On motion of Senator Schmitt, **SCS** for **SJR 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Griesheimer	Lager	Lembke	Mayer	McKenna	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel	Wright-Jones—28				

NAYS—Senators

Bray	Days	Green	Justus	Smith	Wilson—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Schmitt, title to the joint resolution was agreed to.

Senator Schmitt moved that the vote by which the joint resolution passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SBs 65** and **43**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 65 and 43

An Act to repeal sections 130.047, 407.1095, 407.1098, 407.1101, 407.1104, 407.1107, and 407.1110, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS** for **SBs 65** and **43** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.





NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 355**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 355

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to certain administrative fees associated with the sale of motor vehicles, vessels, and other types of vehicles.

Was taken up by Senator Dempsey.

On motion of Senator Dempsey, **SCS** for **SB 355** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler
Green	Griesheimer	Lembke	McKenna	Pearce	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—23	

NAYS—Senators

Barnitz	Bartle	Crowell	Goodman	Justus	Lager	Mayer	Nodler
Purgason	Ridgeway	Scott—11					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 256**, introduced by Senator Schaefer, entitled:

An Act to repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof three new sections relating to county purchases.

Was taken up.

On motion of Senator Schaefer, **SB 256** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bray	Days	Ridgeway—3
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Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 89**, introduced by Senator Stouffer, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 89

An Act to repeal sections 198.074, 198.075, 198.096, and 198.525, RSMo, and to enact in lieu thereof five new sections relating to safety in long-term care facilities.

Was taken up.

On motion of Senator Stouffer, **SS for SCS for SB 89** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Lager assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Bettye Battle-Turner, as a member of the Saint Louis City Board of Police Commissioners;

Also,

Troy L. Nash, as a member of the Missouri Housing Development Commission;

Also,

Connie L. Hebert and Vicki L. McCarrell, as members of the Missouri Commission on Autism Spectrum Disorders;

Also,

Thomas N. Wapelhorst, as a member of the Saint Charles County Convention and Sports Facilities Authority.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

Senator Callahan assumed the Chair.

### **THIRD READING OF SENATE BILLS**

**SB 513**, introduced by Senator Dempsey, entitled:

An Act to repeal section 429.609, RSMo, and to enact in lieu thereof one new section relating to real estate broker's liens.

Was called from the Consent Calendar and taken up.

On motion of Senator Dempsey, **SB 513** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 396**, introduced by Senator Justus, entitled:

An Act to repeal section 311.060, RSMo, and to enact in lieu thereof one new section relating to liquor licenses.

Was called from the Consent Calendar and taken up.

On motion of Senator Justus, **SB 396** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Engler
Green	Griesheimer	Justus	Lager	Lembke	McKenna	Pearce	Purgason
Ridgeway	Shields	Shoemyer	Smith	Vogel	Wilson	Wright-Jones—23	

NAYS—Senators

Bartle	Crowell	Dempsey	Goodman	Mayer	Nodler	Rupp	Schaefer
Schmitt	Scott	Stouffer—11					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.



NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 247**—Health, Mental Health, Seniors and Families.

**HCS for HB 236**—Education.

**HB 91**—Transportation.

**HCS for HBs 93 and 216**—Agriculture, Food Production and Outdoor Resources.

**HB 269**—Transportation.

**HB 488**—Education.

**HB 490**—Education.

**HB 83**—General Laws.

**HCS for HB 148**—Jobs, Economic Development and Local Government.

**HCS for HB 154**—General Laws.

**HB 376**—Jobs, Economic Development and Local Government.

**HB 395**—Health, Mental Health, Seniors and Families.

**HB 218**—General Laws.

**HB 400**—Veterans' Affairs, Pensions and Urban Affairs.

**HB 506**—Education.

**HCS for HB 251**—Agriculture, Food Production and Outdoor Resources.

**HB 259**—Health, Mental Health, Seniors and Families.

**HCS for HB 124**—General Laws.

**HB 69**—Governmental Accountability and Fiscal Oversight.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 427**, entitled:

An Act to repeal sections 42.007, 173.234, 301.451, and 452.412, RSMo, and to enact in lieu thereof seven new sections relating to members of the military and their families.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 661**, entitled:

An Act to repeal sections 260.273, 260.275, and 260.276, RSMo, and to enact in lieu thereof three new sections relating to tire disposal.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 248**, entitled:

An Act to repeal section 143.161, RSMo, and to enact in lieu thereof one new section relating to Missouri dependency exemptions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 540**, entitled:

An Act to repeal sections 408.052, 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof five new sections relating to the sale of certain products and plans associated with certain loan transactions, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 320, 39 and 662**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for storm shelters.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 382**, entitled:

An Act to repeal sections 443.800, 443.803, 443.805, 443.807, 443.809, 443.810, 443.812, 443.816, 443.817, 443.819, 443.821, 443.823, 443.825, 443.827, 443.830, 443.833, 443.835, 443.837, 443.839, 443.841, 443.843, 443.845, 443.847, 443.849, 443.851, 443.853, 443.855, 443.857, 443.859, 443.861, 443.863, 443.865, 443.867, 443.869, 443.879, 443.881, 443.883, 443.885, 443.887, 443.889, 443.891, and 443.893, RSMo, and to enact in lieu thereof fifty-eight new sections relating to the regulation of residential mortgage professionals, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor:

GOVERNOR OF MISSOURI

Jefferson City

65102

March 26, 2009

TO THE SECRETARY OF THE SENATE

95th GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 313 entitled:

AN ACT

To amend chapter 30, RSMo, by adding thereto three new sections relating to the receipt of federal economic stimulus funds, with an emergency clause.

On March 26, 2009, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bill No. 313.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

On motion of Senator Engler, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Vogel.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:



Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 3**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 4**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **RESOLUTIONS**

Senator Wright-Jones offered Senate Resolution No. 629, regarding Joan E. Higginbotham, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. Bill Reynolds, M.D., and his daughters, Emma and Sarah, Springfield.

Senator Shoemyer introduced to the Senate, members of Farm Bureau Youth Leadership and FFA students, Shelby and Audrain Counties.

On behalf of Senator Shields, the President introduced to the Senate, Caroline Pooler, Platte County; Ina Lewis, Blue Springs and Paula Benoit, Maine.

Senator Stouffer introduced to the Senate, Lee Dougherty, Ethan Rinacke, Travis Beaman, Josh Suttner, and Doug Chambers, members of Farm Bureau Youth Leadership, Howard County.

Senator Stouffer introduced to the Senate, Julie Jacobs, Seth Rash, Tucker Oliver and James Wilson, members of Farm Bureau Youth Leadership, Macon County.

Senator Stouffer introduced to the Senate, Carolyn Standebeck, Ethan Tate, Camile Jones and Lydia Manson, members of Farm Bureau Youth Leadership, Chariton County.

Senator Pearce introduced to the Senate, Shelby Dunlap, Chris Foley, Lauren Moles and Mike Moreland, members of Farm Bureau Youth Leadership, Cass County.

Senator Shoemyer introduced to the Senate, members of Farm Bureau Youth Leadership, Clark County.

Senator Barnitz introduced to the Senate, Chris Brundick, Jeremia Markway and Jennifer Vogt, Meghan Finn, Jennifer Fennewald, Claire Schanzmeyer, Emily Brundick, Nikki Brandt and Kayla Hoerschgen, members of Farm Bureau Youth Leadership, Maries and Osage Counties.

Senator Barnitz introduced to the Senate, Jennifer Hawkins and Nick Vocks, Tony White, Morgan Kever, Melissa Krueger and Stephan Gotthardt, members of Farm Bureau Youth Leadership, Osage County.

Senator Barnitz introduced to the Senate, Whitney Gabathuler, Julia Witthaus, Mandy Schebaum, Tiffany Elsenraat, Katelyn Van Booven, Kevin Hofmeister, Tracy Vedder and Carolyn Winthorst, members of Farm Bureau Youth Leadership, Gasconade County.

Senator Shoemyer introduced to the Senate, Kevin Powell, Colton Smith, Jacob VanHuff and members of Kirksville R-III 2008-2009 State Champion wrestling team.

Senator Crowell introduced to the Senate, members of Farm Bureau Youth Leadership, Bollinger, Cape Girardeau and Madison Counties.

Senator Ridgeway introduced to the Senate, Maegan Luft, Debra Blackman, Darrell and Christina Drumwright, parents and twenty-five fourth and fifth grade students from St. Patrick Elementary School, Kansas City.

Senator Mayer introduced to the Senate, Marla and Myron Hawes and their children, Clay, Emma and Madeline, members of Farm Bureau Youth Leadership, New Madrid County.

Senator Mayer introduced to the Senate, David and Wanda Blevins and their son Matthew, members of Farm Bureau Youth Leadership, Bernie.

Senator Scott introduced to the Senate, Candace Jones, Brandi Whillock, Steven Gann and Zach Spears, members of Farm Bureau Youth Leadership, Dallas County.

Senator Scott introduced to the Senate, Jim Young, Dakota Tucker, Nicollette Gurley, Emily Scott and Taylor Bledsoe, members of Farm Bureau Youth Leadership, St. Clair County.

Senator Scott introduced to the Senate, Don McClure and Kulani Lawler; and Nathan Fibrow, Nicole Murphy and Marty Mitchell, members of Farm Bureau Youth Leadership, Henry County.

Senator Barnitz introduced to the Senate, Tiffany Schulte, Kristen Kallash, Jake Griesbauer, Isaiah Swoboda, Yusef Jaouni, Crystal Blaue and Eric Vanhorn, members of Farm Bureau Youth Leadership, Montgomery County.

Senator Shoemyer introduced to the Senate, members of Farm Bureau Youth Leadership, Pike County.

Senator Pearce introduced to the Senate, Kevin Buckstead, Jacob Haught and Avery Deevers, members of Farm Bureau Youth Leadership, Warrensburg.

Senator Goodman introduced to the Senate, Boyd Arthur, Ryan Lacey, Rebecca Shriver and Tiffany Landoll, members of Farm Bureau Youth Leadership, Lawrence County.

Senator Shields introduced to the Senate, Lindsay Burcham, Jefferson City; and her nieces Kyra and Ella Burcham, Springfield; and Kyra and Ella were made honorary pages.

Senator Scott introduced to the Senate, Brandon Baldwin, Greg Ross, Dustin Jones and Jerry Sukourt, members of Farm Bureau Youth Leadership, Polk County.

Senator Lager introduced to the Senate, members of Farm Bureau Youth Leadership, Livingston County.

On behalf of Senator Griesheimer, the President introduced to the Senate, Shelby Enke, St. Clair; Marianne and Kimberly Emery, West Thurmond and Barb Stumpe, Sullivan, members of Farm Bureau Youth Leadership.

On behalf of Senator Barnitz and himself, Senator Clemens introduced to the Senate, Craig Stevenson, his parents, Mr. and Mrs. Mark Stevenson and his sister, Caitlin, Rolla.

On motion of Senator Vogel, the Senate adjourned until 4:00 p.m., Monday, March 30, 2009.

#### SENATE CALENDAR

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FORTY-THIRD DAY—MONDAY, MARCH 30, 2009

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#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 661  
HB 248-Funderburk  
HCS for HB 540  
HCS for HBs 320, 39 & 662  
HCS for HB 382

HB 1-Icet  
HCS for HB 2  
HCS for HB 3  
HCS for HB 4

### THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp  
(In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 307-Dempsey and Rupp  
2. SB 306-Dempsey, et al, with SCS  
3. SJR 3-Crowell  
4. SB 409-Stouffer, with SCS  
5. SB 364-Clemens and Schaefer  
6. SB 527-Nodler and Bray  
7. SB 539-Schaefer, with SCS  
8. SB 321-Days, et al, with SCS  
9. SB 117-Green, with SCS  
10. SB 94-Justus, et al, with SCS  
11. SB 477-Wright-Jones

12. SB 141-Smith and Wright-Jones, with SCS  
13. SB 267-Mayer and Green  
14. SBs 335 & 16-Rupp, with SCS  
15. SBs 207 & 245-Rupp, with SCS  
16. SB 172-Green and Cunningham  
17. SB 406-Scott, with SCS  
18. SB 378-Nodler  
19. SB 558-Mayer, et al, with SCS  
20. SJR 12-Scott, with SCS  
21. SB 555-Lager, with SCS

### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

### SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer

SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce, with SCS, SS#2 for SCS  
and SA 2 (pending)  
SB 57-Stouffer, with SCS

SB 72-Stouffer, with SCS  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SB 216-Scott, with SCS  
SBs 223 & 226-Goodman, with SCS (pending)  
SB 236-Lembke

SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS & SS#3 for SCS (pending)  
SB 264-Mayer  
SB 284-Lembke, et al  
SB 363-Griesheimer, with SCS, SS for SCS  
and SA 2 (pending)

## CONSENT CALENDAR

### Senate Bills

#### Reported 3/11

SB 296-Scott  
SB 276-Barnitz  
SB 337-Rupp  
SB 468-Justus, with SCS  
SB 338-Rupp, with SCS  
SB 318-Lembke, with SCS  
SB 398-Barnitz  
SB 357-Purgason  
SB 485-Pearce  
SB 480-Shoemyer

SB 394-Ridgeway, with SCS  
SB 464-Stouffer  
SB 447-Pearce  
SB 399-Justus  
SB 387-Barnitz  
SB 386-Lager  
SB 377-Rupp  
SB 266-Mayer  
SB 253-Justus, with SCS  
SB 526-Clemens

#### Reported 3/12

SB 507-Callahan  
SB 563-Smith, with SCS

SB 411-Crowell, with SCS  
SB 161-Crowell

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS  
& SS for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-THIRD DAY—MONDAY, MARCH 30, 2009**

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The Senate met pursuant to adjournment.

Senator Dempsey in the Chair.

Reverend Carl Gauck offered the following prayer:

“I do not at all understand the mystery of grace—only that it meets us where we are but does not leave us where it found us. (Anne Lamott)

We continue to be amazed at Your care and love for us, O Lord, and we are grateful for Your many gifts to us that makes us have the talents and abilities we need to provide this public service and care for those we love. Thank You for bringing us safely here and guide us throughout this week. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 26, 2009 was read and approved.

Senator Engler announced that photographers from The Maneater were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Kinder assumed the Chair.

### **RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 630, regarding Richard Elfrink, Jackson, which was adopted.

Senator Justus offered Senate Resolution No. 631, regarding Académie Lafayette, Kansas City, which was adopted.

Senator Shoemyer offered Senate Resolution No. 632, regarding Patricia Foster Glenn, Louisiana, which was adopted.

Senators Dempsey and Rupp offered Senate Resolution No. 633, regarding Janet Woodburn, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 634, regarding the new Oxford House, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 635, regarding Downtown Urgent Care, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 636, regarding the Doorways Interfaith AIDS Housing Program, Saint Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 637, regarding the Twenty-fifth Anniversary of Keeven Heating and Cooling, New Haven, which was adopted.

Senator Lembke offered Senate Resolution No. 638, regarding Truman Elementary School, Lindbergh R-VIII School District, which was adopted.

Senator Lager offered Senate Resolution No. 639, regarding the Eightieth Birthday of William Ray Cooper, Chillicothe, which was adopted.

Senator Stouffer offered Senate Resolution No. 640, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Fred Good, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 641, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leland Carter, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 642, regarding Mark Maier, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 643, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William "Bill" Wooldridge, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 644, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill J. Harding, Sweet Springs, which was adopted.

### **THIRD READING OF SENATE BILLS**

**SB 296**, introduced by Senator Scott, entitled:

An Act to amend chapter 327, RSMo, by adding thereto one new section relating to the licenses of professions regulated by the board for architects, professional engineers, professional land surveyors, and

landscape architects.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 296** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Griesheimer—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 276**, introduced by Senator Barnitz, entitled:

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes for tourism.

Was called from the Consent Calendar and taken up.

On motion of Senator Barnitz, **SB 276** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.



Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Dempsey assumed the Chair.

**SB 337**, introduced by Senator Rupp, entitled:

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to ambulance district directors.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 337** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 468**, with **SCS**, introduced by Senator Justus, entitled:

An Act to repeal section 455.038, RSMo, and to enact in lieu thereof one new section relating to service of ex parte orders of protection.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 468**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 468

An Act to repeal sections 455.038 and 455.040, RSMo, and to enact in lieu thereof two new sections relating to ex parte orders of protection.

Was taken up.

Senator Justus moved that **SCS** for **SB 468** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS** for **SB 468** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 338**, with **SCS**, introduced by Senator Rupp, entitled:

An Act to repeal sections 191.225, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, and 595.060, RSMo, and to enact in lieu thereof twelve new sections relating to crime victims.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 338**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 338

An Act to repeal sections 191.225, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, and 595.060, RSMo, and to enact in lieu thereof twelve new sections relating to crime victims.

Was taken up.

Senator Rupp moved that **SCS** for **SB 338** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 338** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 318**, with **SCS**, introduced by Senator Lembke, entitled:

An Act to repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against certain licensed professionals.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 318**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 318

An Act to repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against certain licensed professionals.

Was taken up.

Senator Lembke moved that **SCS** for **SB 318** be adopted, which motion prevailed.

On motion of Senator Lembke, **SCS** for **SB 318** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 398**, introduced by Senator Barnitz, entitled:

An Act to repeal section 569.145, RSMo, and to enact in lieu thereof one new section relating to posting of property against trespassers, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Barnitz, **SB 398** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 357**, introduced by Senator Purgason, entitled:

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to motor vehicle dealer insurance.

Was called from the Consent Calendar and taken up.

On motion of Senator Purgason, **SB 357** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 485**, introduced by Senator Pearce, entitled:

An Act to repeal section 130.021, RSMo, and to enact in lieu thereof one new section relating to committee statements of organization.

Was called from the Consent Calendar and taken up.

On motion of Senator Pearce, **SB 485** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 480**, introduced by Senator Shoemyer, entitled:

An Act to amend chapter 109, RSMo, by adding thereto one new section relating to the Missouri board on geographic names.

Was called from the Consent Calendar and taken up.

On motion of Senator Shoemyer, **SB 480** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shoemyer, title to the bill was agreed to.

Senator Shoemyer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 394**, with **SCS**, introduced by Senator Ridgeway, entitled:

An Act to repeal sections 338.210 and 338.260, RSMo, and to enact in lieu thereof two new sections relating to certain business names.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 394**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 394

An Act to repeal section 338.260, RSMo, and to enact in lieu thereof one new section relating to certain business names.

Was taken up.

Senator Ridgeway moved that **SCS** for **SB 394** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **SB 394** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 464**, introduced by Senator Stouffer, entitled:

An Act to repeal sections 374.456, 375.020, 382.400, 382.402, 382.405, 382.407, 382.409, 384.025, 384.031, 384.043, 384.051, 384.057, and 384.062, RSMo, and to enact in lieu thereof eleven new sections relating to insurance producers.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 464** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green                Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 447**, introduced by Senator Pearce, entitled:

An Act to repeal section 94.900, RSMo, and to enact in lieu thereof one new section relating to a sales tax for public safety improvement.

Was called from the Consent Calendar and taken up.

On motion of Senator Pearce, **SB 447** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Rupp—1

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 399**, introduced by Senator Justus, entitled:

An Act to amend chapter 141, RSMo, by adding thereto one new section relating to the compromise of taxes and penalties for properties subject to certain actions as abandoned property.

Was called from the Consent Calendar and taken up.

On motion of Senator Justus, **SB 399** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.



Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 387**, introduced by Senator Barnitz, entitled:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to transient guest taxes.

Was called from the Consent Calendar and taken up.

On motion of Senator Barnitz, **SB 387** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 386**, introduced by Senator Lager, entitled:

An Act to repeal section 67.2000, RSMo, and to enact in lieu thereof one new section relating to the creation of exhibition and recreational facility districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Lager, **SB 386** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 377**, introduced by Senator Rupp, entitled:

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to research park annexation.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 377** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Pearce—1

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 266**, introduced by Senator Mayer, entitled:

An Act to amend chapter 182, RSMo, by adding thereto one new section relating to a sales tax to fund public library districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Mayer, **SB 266** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Cunningham—1

Absent—Senator Nodler—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 253**, with **SCS**, introduced by Senator Justus, entitled:

An Act to repeal section 162.492, RSMo, and to enact in lieu thereof one new section relating to elections of school board members.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 253**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 253

An Act to repeal section 162.492, RSMo, and to enact in lieu thereof one new section relating to elections of school board members.

Was taken up.

Senator Justus moved that **SCS** for **SB 253** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS** for **SB 253** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Champion—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Stouffer assumed the Chair.

**SB 526**, introduced by Senator Clemens, entitled:

An Act to repeal sections 267.565 and 267.600, RSMo, and to enact in lieu thereof two new sections relating to diseased animals.

Was called from the Consent Calendar and taken up.

On motion of Senator Clemens, **SB 526** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 507**, introduced by Senator Callahan, entitled:

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to a local sales tax for the promotion of tourism.

Was called from the Consent Calendar and taken up.

On motion of Senator Callahan, **SB 507** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Purgason—1

Absent—Senators

Clemens            Green—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 563**, with **SCS**, introduced by Senator Smith, entitled:

An Act to repeal sections 86.200, 86.237, 86.257, 86.260, 86.263, and 86.270, RSMo, and to enact in lieu thereof six new sections relating to police retirement.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 563**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 563

An Act to repeal sections 86.200, 86.237, 86.257, 86.260, 86.263, and 86.270, RSMo, and to enact in lieu thereof six new sections relating to police retirement.

Was taken up.

Senator Smith moved that **SCS** for **SB 563** be adopted, which motion prevailed.

On motion of Senator Smith, **SCS** for **SB 563** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Clemens            Green            Purgason—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Smith, title to the bill was agreed to.

Senator Smith moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 411**, with **SCS**, introduced by Senator Crowell, entitled:

An Act to amend chapter 100, RSMo, by adding thereto one new section relating to employees of the Missouri development finance board.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 411**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 411

An Act to amend chapter 100, RSMo, by adding thereto one new section relating to employees of the Missouri development finance board.

Was taken up.

Senator Crowell moved that **SCS** for **SB 411** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **SB 411** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 161**, introduced by Senator Crowell, entitled:

An Act to repeal sections 86.107 and 86.590, RSMo, and to enact in lieu thereof two new sections relating to investments by the board of trustees of police and firemen's pension systems.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 161** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 5**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 6**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 7**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 8**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 9**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 10**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.



In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 11**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 12**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 13**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **RE-REFERRALS**

President Pro Tem Shields re-referred **HB 259** to the Committee on Small Business, Insurance and Industry.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 291**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

March 26, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tiffany L. Daniels, 1110 Care Avenue, Nixa, Christian County, Missouri 65714, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2010 and until her successor is duly appointed and qualified; vice, Tiffany L. Daniels, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 26, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Christopher M. Manhart, 415 MacArthur Avenue, Union, Franklin County, Missouri 63084, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2012, and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 26, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gary M. O'Bannon, 6001 Highland Avenue, Kansas City, Jackson County, Missouri 64110, as a member of the Personnel Advisory Board, for a term ending July 31, 2014, and until his successor is duly appointed and qualified; vice, Anne C. Gardner, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 26, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Janis VanMeter, Democrat, 505 South Cherry Street, Lewistown, Lewis County, Missouri 63452, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until her successor is duly appointed and qualified; vice, Richard Mansfield, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 26, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas M. Vansaghi, 230 West 61<sup>st</sup> Street, Kansas City, Jackson County, Missouri 64113, as a member of the Children's Trust Fund Board, for a term ending September 15, 2011, and until his successor is duly appointed and qualified; vice, Peggy Krokstrom, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 27, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lafayette Eugene Lacy, 1701 Lucia Court, Jefferson City, Cole County, Missouri 65109, as State Supervisor for the Missouri Division of Alcohol and Tobacco Control, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102

March 27, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lori Rasmussen, Democrat, 1034 Savonne Court, Chesterfield, Saint Louis County, Missouri 63005, as a member of the Missouri Community Service Commission, for a term ending March 26, 2012, and until her successor is duly appointed and qualified; vice, RSMo 26.607.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102

March 30, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard J. Weaver, 8316 Weaver Lane, Jefferson City, Cole County, Missouri 65101, as Commissioner of the Missouri Division of Finance, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102

March 26, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Michael J. Ponder to the State Board of Education, submitted on March 19, 2009. Line 3 should be amended as follows:

“July 01, 2016, and until his successor is duly appointed and qualified; vice, Shirley”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102

March 26, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Lloyd Joseph Carmichael to the State Highway and Transportation Commission, submitted on March 09, 2009. Line 3 should be amended as follows:

“a term ending March 01, 2015, and until his successor is duly appointed and qualified;”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments and addendums to the Committee on Gubernatorial Appointments.

### REFERRALS

President Pro Tem Shields referred **SS** for **SB 291** to the Committee on Governmental Accountability and Fiscal Oversight.

### HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 1**—Appropriations.

**HCS** for **HB 2**—Appropriations.

**HCS** for **HB 3**—Appropriations.

**HCS** for **HB 4**—Appropriations.

### SENATE BILLS FOR PERFECTION

Senator Dempsey moved that **SB 307** be taken up for perfection, which motion prevailed.

Senator Dempsey offered **SS** for **SB 307**, entitled:

#### SENATE SUBSTITUTE FOR SENATE BILL NO. 307

An Act to amend chapter 190, RSMo, by adding thereto fifteen new sections relating to ambulance service reimbursement allowance tax, with penalty provisions and an expiration date.

Senator Dempsey moved that **SS** for **SB 307** be adopted.

Senator Nodler offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 307, Page 1, In the Title, Lines 3-4 of said title, by striking “ambulance service reimbursement allowance tax” and inserting in lieu thereof the following: “certain provider taxes”; and

Further amend said bill, page 9, section 190.839, line 5 of said page, by inserting immediately after said line the following:

**“633.402. 1. For purposes of this section, the following terms mean:**

(1) **“Certification fee”, a fee to be paid by providers of health benefit services, which in the aggregate for all providers shall not exceed the overall cost of the department of mental health's operation of its certification programs for residential habilitation, individualized supported living, and day habilitation services provided to developmentally disabled individuals;**

(2) **“Home and community-based waiver services for persons with developmental disabilities”, a**

department of mental health program which admits persons who are developmentally disabled for residential habilitation, individualized supported living, or day habilitation services under chapter 630, RSMo;

(3) “Provider of health benefit services”, publicly and privately operated programs providing residential habilitation, individualized supported living, or day habilitation services to developmentally disabled individuals that have been certified to meet department of mental health certification standards.

2. Beginning July 1, 2009, each provider of health benefit services accepting payment shall pay a certification fee.

3. Each provider's fee shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. The fee imposed under this section shall be determined based on the reasonable costs incurred by the department of mental health in its programs of certification of providers of health benefit services. Imposition of the fee shall be contingent upon receipt of all necessary federal approvals under federal law and regulation to assure that the collection of the fee will not adversely affect the receipt of federal financial participation in medical assistance under Title XIX of the federal Social Security Act.

5. Fees shall be determined annually and prorated monthly by the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the fee payment owed for any month.

7. Fee payments shall be deposited in the state treasury to the credit of the “Home and Community-Based Developmental Disabilities Waiver Reimbursement Allowance Fund”, which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. The state treasurer shall be custodian and may approve disbursement. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the home and community-based developmental disabilities waiver reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Every provider of residential habilitation, individualized supported living, and day habilitation services to developmentally disabled individuals, shall submit annually an acknowledgment of certification for the purpose of paying its certification fee. The report shall be in such form as may be prescribed by rule by the director of the department of mental health.

9. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed under the provisions of this section.

10. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying fees required under this section, the director of the department of

social services shall withhold, and shall remit to the director of the department of revenue, the fee amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

**11. In the event a provider objects to the estimate described in subsection 10 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director of the department of mental health shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the fee determination and a final decision by the director of the department of mental health, a residential habilitation, individualized supported living, and day habilitation services to developmentally disabled individuals provider's appeal of the director of the department of mental health's final decision shall be to the administrative hearing commission in accordance with section 208.156, RSMo, and section 621.055, RSMo.**

**12. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the provider is located. The circuit court shall hear the matter as the court of original jurisdiction.**

**13. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any provider of residential habilitation, individualized supported living, and day habilitation services to developmentally disabled individuals, granted by state law.**

**14. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

**15. The provisions of this section shall expire on September 30, 2011.”; and**

Further amend said bill, page 9, section 1, line 8 of said page, by inserting immediately after said line the following:

“Section B. Because of the need to preserve state revenue and promote safety and quality in mental health community programs, section 633.402 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 633.402 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted.

Senator Crowell raised the point of order that **SA 1** is out of order as it goes beyond the scope and title

of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

At the request of Senator Nodler, **SA 1** was withdrawn.

Senator Dempsey moved that **SS** for **SB 307** be adopted, which motion prevailed.

On motion of Senator Dempsey, **SS** for **SB 307** was declared perfected and ordered printed.

At the request of Senator Dempsey, **SB 306**, with **SCS**, was placed on the Informal Calendar.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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FORTY-FOURTH DAY—TUESDAY, MARCH 31, 2009

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HB 229-Ervin	HCS for HB 6
HCS for HB 427	HCS for HB 7
HCS for HB 661	HCS for HB 8
HB 248-Funderburk	HCS for HB 9
HCS for HB 540	HCS for HB 10
HCS for HBs 320, 39 & 662	HCS for HB 11
HCS for HB 382	HCS for HB 12
HCS for HB 5	HB 13-Icet

### THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp (In Fiscal Oversight)	SS for SB 291-Shields (In Fiscal Oversight)
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### SENATE BILLS FOR PERFECTION

1. SJR 3-Crowell	7. SB 117-Green, with SCS
2. SB 409-Stouffer, with SCS	8. SB 94-Justus, et al, with SCS
3. SB 364-Clemens and Schaefer	9. SB 477-Wright-Jones
4. SB 527-Nodler and Bray	10. SB 141-Smith and Wright-Jones, with SCS
5. SB 539-Schaefer, with SCS	11. SB 267-Mayer and Green
6. SB 321-Days, et al, with SCS	



12. SBs 335 & 16-Rupp, with SCS  
 13. SBs 207 & 245-Rupp, with SCS  
 14. SB 172-Green and Cunningham  
 15. SB 406-Scott, with SCS

16. SB 378-Nodler  
 17. SB 558-Mayer, et al, with SCS  
 18. SJR 12-Scott, with SCS  
 19. SB 555-Lager, with SCS

### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
 (Griesheimer) (In Fiscal Oversight)

### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

### SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
 SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB 29-Stouffer  
 SBs 45, 212, 136, 278, 279, 285 &  
 288-Pearce and Smith, with SCS, SS#2 for SCS  
 and SA 2 (pending)  
 SB 57-Stouffer, with SCS  
 SB 72-Stouffer, with SCS  
 SB 174-Griesheimer and Goodman, with  
 SCS, SS#2 for SCS & SA 2 (pending)  
 SCS for SB 189-Shields

SB 216-Scott, with SCS  
 SBs 223 & 226-Goodman and Nodler,  
 with SCS (pending)  
 SB 236-Lembke  
 SBs 261, 159, 180 & 181-Bartle and  
 Goodman, with SCS & SS#3 for SCS  
 (pending)  
 SB 264-Mayer  
 SB 284-Lembke, et al  
 SB 306-Dempsey, et al, with SCS  
 SB 363-Griesheimer, with SCS, SS for SCS  
 and SA 2 (pending)

### RESOLUTIONS

#### Reported from Committee

SR 141-Engler, with point of order  
 (pending)  
 SCR 7-Pearce  
 SR 207-Lembke and Smith, with SCS & SS  
 for SCS (pending)  
 SCR 11-Bartle, et al

SCR 14-Schmitt  
 SCR 21-Clemens  
 SCR 10-Rupp  
 SCR 18-Bartle and Rupp  
 SCR 23-Schmitt

# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-FOURTH DAY—TUESDAY, MARCH 31, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“O give thanks to the Lord for he is good, for his steadfast love endures forever.” (Psalm 118:29)

Gracious Lord, Your great power and love inspires us to honor You so our actions serve Your will for us that others will also join us in giving You praise. Make us so aware of Your constant presence that all our moments may be filled with words and deeds pleasing to You and our work here done with excellence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Lager offered Senate Resolution No. 645, regarding South Nodaway Elementary School, South

Nodaway R-IV School District, which was adopted.

Senator Purgason offered Senate Resolution No. 646, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Conrad Austin, Phillipsburg, which was adopted.

### **SENATE BILLS FOR PERFECTION**

Senator Crowell moved that **SJR 3** be taken up for perfection, which motion prevailed.

Senator Crowell offered **SS** for **SJR 3**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 3**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

Senator Crowell moved that **SS** for **SJR 3** be adopted, which motion prevailed.

President Pro Tem Shields assumed the Chair.

On motion of Senator Crowell, **SS** for **SJR 3** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 409**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 409**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 409**

An Act to repeal sections 260.273, 260.275, and 260.276, RSMo, and to enact in lieu thereof three new sections relating to scrap tires.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 409** be adopted.

At the request of Senator Stouffer, **SB 409**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Clemens moved that **SB 364** be taken up for perfection, which motion prevailed.

At the request of Senator Clemens, **SB 364** was placed on the Informal Calendar.

Senator Nodler moved that **SB 527** be taken up for perfection, which motion prevailed.

At the request of Senator Nodler, **SB 527** was placed on the Informal Calendar.

Senator Schaefer moved that **SB 539**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 539**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 539**

An Act to repeal sections 640.107, 640.150, and 644.101, RSMo, and to enact in lieu thereof four new sections relating to environmental protection, with an emergency clause.

Was taken up.

Senator Schaefer moved that **SCS** for **SB 539** be adopted.

Senator Schaefer offered **SS** for **SCS** for **SB 539**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 539

An Act to repeal sections 640.107, 640.150, and 644.101, RSMo, and to enact in lieu thereof four new sections relating to environmental protection, with an emergency clause.

Senator Schaefer moved that **SS** for **SCS** for **SB 539** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Page 6, Section 640.160, Line 12, by inserting after all of said line the following:

“644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective October 1, 1990, and shall expire December 31, [2009] **2010**. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire on December 31, [2009] **2010**. The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section 640.220, RSMo. Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a public sewer district, a public water district or other publicly owned treatment works are state fees. Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.

2. The commission may grant a variance pursuant to section 644.061 to reduce fees collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce the discharge of water contaminants substantially below the levels required by commission rules.

3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due on the date of application and on each anniversary date of permit issuance thereafter until the permit is terminated.

4. There shall be convened a joint committee appointed by the president pro tem of the senate and the speaker of the house of representatives to consider proposals for restructuring the fees imposed in sections 644.052 and 644.053. The committee shall review storm water programs, the state's implementation of the federal clean water program, storm water, and related state clean water responsibilities, and evaluate the costs to the state for maintaining the programs. The committee shall prepare and submit a report, including recommendations on funding the state clean water program, and storm water programs, to the governor, the house of representatives, and the senate no later than December 31, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Page 1, Section A, Line 4, by inserting after all of said line the following:

**“204.659. No person who owns real property that is used for residential purposes within the district boundary of a district created under article VI, section 30 of the Missouri constitution shall be assessed any fee, charge, or tax for storm water management services if the district does not directly provide sanitary sewer services to such property.”; and**

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Page 6, Section 640.160, Line 7, by striking the number “640.168” and inserting in lieu thereof the following: **“640.160”**.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SS** for **SCS** for **SB 539**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **SCS** for **SB 539**, as amended, was declared perfected and ordered printed.

Senator Days moved that **SB 321**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 321**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 321

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to the creation of a death penalty commission.

Was taken up.

Senator Days moved that **SCS** for **SB 321** be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Days, **SB 321**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Green moved that **SB 117**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 117**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 117

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to school funding.

Was taken up.

Senator Green moved that **SCS** for **SB 117** be adopted.

Senator Ridgeway offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 117, Page 1, Section 163.095, Line 17, by inserting immediately after said line the following:

“177.088. 1. As used in this section, the following terms shall mean:

(1) “Board”, the board of education, board of trustees, board of regents, or board of governors of an educational institution;

(2) “Educational institution”, any school district, including all community college districts, and any state college or university organized under chapter 174, RSMo.

2. The board of any educational institution may enter into agreements as authorized in this section with a not-for-profit corporation formed under the general not-for-profit corporation law of Missouri, chapter 355, RSMo, in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation and financing of sites, buildings, facilities, furnishings and equipment for the use of the educational institution for educational purposes.

3. The board may on such terms as it shall approve:

(1) Lease from the corporation sites, buildings, facilities, furnishings and equipment which the corporation has acquired or constructed; or

(2) Notwithstanding the provisions of this chapter or any other provision of law to the contrary, sell or lease at fair market value, which may be determined by appraisal, to the corporation any existing sites owned by the educational institution, together with any existing buildings and facilities thereon, in order for the corporation to acquire, construct, improve, extend, repair, remodel, renovate, furnish and equip buildings and facilities thereon, and then lease back or purchase such sites, buildings and facilities from the corporation; provided that upon selling or leasing the sites, buildings or facilities, the corporation agrees to enter into a lease for not more than one year but with not more than twenty-five successive options by the educational institution to renew the lease under the same conditions; and provided further that the corporation agrees to convey or sell the sites, buildings or facilities, including any improvements, extensions, renovations, furnishings or equipment, back to the educational institution with clear title at the end of the period of successive one-year options or at any time bonds, notes or other obligations issued by the corporation to pay for the improvements, extensions, renovations, furnishings or equipment have been paid and discharged.

4. Any consideration, promissory note or deed of trust which an educational institution receives for selling or leasing property to a not-for-profit corporation pursuant to this section shall be placed in a separate fund or in escrow, and neither the principal or any interest thereon shall be commingled with any other funds of the educational institutions. At such time as the title or deed for property acquired, constructed, improved, extended, repaired, remodeled or renovated under this section is conveyed to the educational institution, the consideration shall be returned to the corporation.

5. The board may make rental payments to the corporation under such leases out of its general funds or out of any other available funds, provided that in no event shall the educational institution become indebted in an amount exceeding in any year the income and revenue of the educational institution for such

year plus any unencumbered balances from previous years.

6. Any bonds, notes and other obligations issued by a corporation to pay for the acquisition, construction, improvements, extensions, repairs, remodeling or renovations of sites, buildings and facilities, pursuant to this section, may be secured by a mortgage, pledge or deed of trust of the sites, buildings and facilities and a pledge of the revenues received from the rental thereof to the educational institution. Such bonds, notes and other obligations issued by a corporation shall not be a debt of the educational institution and the educational institution shall not be liable thereon, and in no event shall such bonds, notes or other obligations be payable out of any funds or properties other than those acquired for the purposes of this section, and such bonds, notes and obligations shall not constitute an indebtedness of the educational institution within the meaning of any constitutional or statutory debt limitation or restriction.

7. The interest on such bonds, notes and other obligations of the corporation and the income therefrom shall be exempt from taxation by the state and its political subdivisions, except for death and gift taxes on transfers. Sites, buildings, facilities, furnishings and equipment owned by a corporation in connection with any project pursuant to this section shall be exempt from taxation.

8. The board may make all other contracts or agreements with the corporation necessary or convenient in connection with any project pursuant to this section. The corporation shall comply with sections 290.210 to 290.340, RSMo.

9. Notice that the board is considering a project pursuant to this section shall be given by publication in a newspaper published within the county in which all or a part of the educational institution is located which has general circulation within the area of the educational institution, once a week for two consecutive weeks, the last publication to be at least seven days prior to the date of the meeting of the board at which such project will be considered and acted upon.

10. Provisions of other law to the contrary notwithstanding, the board may refinance any lease purchase agreement that satisfies at least one of the conditions specified in subsection 6 of section 165.011, RSMo, for the purpose of payment on any lease with the corporation under this section for sites, buildings, facilities, furnishings or equipment which the corporation has acquired or constructed, but such refinance shall not extend the date of maturity of any obligation, and the refinancing obligation shall not exceed the amount necessary to pay or provide for the payment of the principal of the outstanding obligations to be refinanced, together with the interest accrued thereon to the date of maturity or redemption of such obligations and any premium which may be due under the terms of such obligations and any amounts necessary for the payments of costs and expenses related to issuing such refunding obligations and to fund a capital projects reserve fund for the obligations.

11. Provisions of other law to the contrary notwithstanding, payments made from any source by a school district, after the latter of July 1, 1994, or July 12, 1994, that result in the transfer of the title of real property to the school district, other than those payments made from the capital projects fund, shall be deducted as an adjustment to the funds payable to the district pursuant to section 163.031, RSMo, beginning in the year following the transfer of title to the district, as determined by the department of elementary and secondary education. No district with modular buildings leased in fiscal year 2004, with the lease payments made from the incidental fund and that initiates the transfer of title to the district after fiscal year 2007, shall have any adjustment to the funds payable to the district under section 163.031, RSMo, as a result of the transfer of title.

**12. Notwithstanding provisions of this section to the contrary, the board of education of any school**

**district may enter into agreements with the county in which the school district is located, or with a city, town, or village wholly or partially located within the boundaries of the school district, in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation, and financing of sites, buildings, facilities, furnishings, and equipment for the use of the school district for educational purposes. Such an agreement may provide for the present or future acquisition of an ownership interest in such facilities by the school district, by lease, lease purchase agreement, option to purchase agreement, or similar provisions, and may provide for a joint venture between the school district and other entity or entities that are parties to such an agreement providing for the sharing of the costs of acquisition, construction, repair, maintenance, and operation of such facilities. The school district may wholly own such facilities, or may acquire a partial ownership interest along with the county, city, town, or village with which the agreement was executed.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Days raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

At the request of Senator Ridgeway, **SA 1** was withdrawn.

Senator Green moved that **SCS** for **SB 117** be adopted, which motion prevailed.

On motion of Senator Green, **SCS** for **SB 117** was declared perfected and ordered printed.

Senator Justus moved that **SB 94**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 94**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 94

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.

Was taken up.

Senator Justus moved that **SCS** for **SB 94** be adopted.

Senator Justus offered **SS** for **SCS** for **SB 94**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 94

An Act to amend chapters 208 and 210, RSMo, by adding thereto two new sections relating to child care.

Senator Justus moved that **SS** for **SCS** for **SB 94** be adopted.

At the request of Senator Justus, **SB 94**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Scott moved that **SB 216**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 216**, entitled:



SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 216

An Act to repeal section 425.010, RSMo, and to enact in lieu thereof six new sections relating to debt settlement providers.

Was taken up.

Senator Scott moved that **SCS** for **SB 216** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 216, Page 3, Section 425.350, Line 43, by inserting after “plan.” the following: “**Upon full completion of the debt settlement plan, such aggregate fees shall not exceed the amount the debt settlement plan reduces the principal amount of the debt enrolled in the plan.**”.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **SB 216**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 216**, as amended, was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SJR 3** and **SS** for **SB 307**, begs leave to report that it has examined the same and finds that the joint resolution and bill have been truly perfected and that the printed copies furnished the Senators are correct.

**HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS** for **HB 5**—Appropriations.

**HCS** for **HB 6**—Appropriations.

**HCS** for **HB 7**—Appropriations.

**HCS** for **HB 8**—Appropriations.

**HCS** for **HB 9**—Appropriations.

**HCS** for **HB 10**—Appropriations.

**HCS** for **HB 11**—Appropriations.

**HCS** for **HB 12**—Appropriations.

**HB 13**—Appropriations.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 281**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to motor vehicle dealerships.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 537**, entitled:

An Act to authorize the conveyance of property owned by the state in the city of St. Louis to the state highways and transportation commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 544**, entitled:

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to Missouri accountability portal.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 811**, entitled:

An Act to repeal section 324.210, RSMo, and to enact lieu thereof one new section relating to dieticians.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 812**, entitled:

An Act to repeal sections 328.030, 328.040, 328.050, 328.060, 328.115, 328.140, 328.150, 328.160, 329.180, 329.190, 329.191, 329.200, 329.210 329.220, 329.230, and 329.240, RSMo, and to enact in lieu thereof three new sections relating to barber licensure, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 358**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to the designation of memorial roadways.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 278**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to mobility motor vehicle dealers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 644**, entitled:

An Act to repeal section 301.218, RSMo, and to enact in lieu thereof one new section relating to salvage vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 326**, entitled:

An Act to repeal sections 337.600 and 337.604, RSMo, and to enact in lieu thereof two new sections relating to social workers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 265**, entitled:

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof fourteen new sections relating to teacher and school employee retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 253**, entitled:

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to motorcycle headlight modulators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 282**, entitled:

An Act to authorize the conveyance of property owned by the state in Jasper County to Missouri Southern State University.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 373**, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the general educational development revolving fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 210**, entitled:

An Act to repeal sections 104.540 and 104.1054, RSMo, and to enact in lieu thereof two new sections relating to state retirement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HBs 234 and 493**, entitled:

An Act to repeal section 247.031, RSMo, and to enact in lieu thereof one new section relating to detachment from public water supply districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 283**, entitled:

An Act to repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 132**, entitled:

An Act to repeal section 311.090, RSMo, and to enact in lieu thereof one new section relating to the sale of liquor.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 257**, entitled:

An Act to repeal section 48.030, RSMo, and to enact in lieu thereof one new section relating to counties changing classification.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 751**, entitled:

An Act to repeal sections 414.530, 414.560, and 414.570, RSMo, and to enact in lieu thereof three new sections relating to the Missouri propane education and research act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 231**, entitled:

An Act to repeal section 376.428, RSMo, and to enact in lieu thereof one new section relating to continuation of group health insurance after termination of employment, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Engler, the Senate recessed until 2:30 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by Senator Stouffer.

### RESOLUTIONS

Senator Goodman offered Senate Resolution No. 647, regarding R. Layne Morrill, Kimberling City, which was adopted.

Senator Purgason offered Senate Resolution No. 648, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Rollie Joe Robertson, Grovespring, which was adopted.

Senator Purgason offered Senate Resolution No. 649, regarding the Fiftieth Wedding Anniversary of Reverend and Mrs. Bobby Brazeal, West Plains, which was adopted.

Senator Vogel offered Senate Resolution No. 650, regarding Joseph E. Pierle, Jefferson City, which was adopted.

Senator Engler offered Senate Resolution No. 651, regarding Ann K. Bohman, which was adopted.

Senator Schmitt offered Senate Resolution No. 652, regarding Rebecca Marie Klussman, Manchester, which was adopted.

Senator Schmitt offered Senate Resolution No. 653, regarding Crestwood Elementary School, Lindbergh School District, which was adopted.

### SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 45, SB 212, SB 136, SB 278, SB 279, SB 285** and **SB 288**, with **SCS, SS No. 2** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

Senator Ridgeway requested a roll call vote be taken on the adoption of **SA 2**. She was joined in her request by Senators Callahan, Griesheimer, Lager and Lembke.

Senator Engler assumed the Chair.

**SA 2** was adopted by the following vote:

#### YEAS—Senators

Bray	Callahan	Cunningham	Days	Dempsey	Engler	Griesheimer	Justus
Pearce	Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Vogel
Wilson	Wright-Jones—18						

#### NAYS—Senators

Barnitz	Bartle	Champion	Clemens	Crowell	Goodman	Green	Lager
Lembke	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Stouffer—16

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Lager offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 45, 212, 136, 278, 279, 285 and 288, Page 150, Section 135.803, Lines 12-26 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Pearce, **SB 45**, **SB 212**, **SB 136**, **SB 278**, **SB 279**, **SB 285** and **SB 288**, with **SCS** and **SS No. 2** for **SCS** (pending), were placed on the Informal Calendar.

President Pro Tem Shields assumed the Chair.

#### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 539**; **SCS** for **SB 216**; and **SCS** for **SB 117**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 228**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

#### REFERRALS

President Pro Tem Shields referred **SCS** for **SB 117**; and **SS** for **SCS** for **SB 539** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Stouffer assumed the Chair.

#### SENATE BILLS FOR PERFECTION

At the request of Senator Wright-Jones, **SB 477** was placed on the Informal Calendar.

Senator Smith moved that **SB 141**, with **SCS**, be taken up for perfection, which motion prevailed. **SCS** for **SB 141**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 141

An Act to repeal sections 210.826 and 210.828, RSMo, and to enact in lieu thereof three new sections

relating to paternity determinations.

Was taken up.

Senator Smith moved that **SCS** for **SB 141** be adopted.

Senator Smith offered **SS** for **SCS** for **SB 141**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 141

An Act to repeal sections 210.826 and 210.828, RSMo, and to enact in lieu thereof three new sections relating to paternity determinations.

Senator Smith moved that **SS** for **SCS** for **SB 141** be adopted.

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 141, Page 5, Section 210.854, Lines 7-11 of said page, by striking all of said lines and inserting in lieu thereof the following:

**“3. The court, after a hearing wherein all interested parties have been given an opportunity to present evidence and be heard, and upon a finding of probable cause to believe said testing may result in a determination of non-paternity, shall order the relevant parties to submit to genetic paternity testing. The”.**

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Smith moved that **SS** for **SCS** for **SB 141**, as amended, be adopted, which motion prevailed.

On motion of Senator Smith, **SS** for **SCS** for **SB 141**, as amended, was declared perfected and ordered printed.

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Rupp.

**SENATE BILLS FOR PERFECTION**

Senator Pearce moved that **SB 45**, **SB 212**, **SB 136**, **SB 278**, **SB 279**, **SB 285** and **SB 288**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Lager, **SS No. 2** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288** was withdrawn.

Senator Griesheimer offered **SS No. 3** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288**, stating that it had been distributed and requested a waiver of the reading.

Senator Crowell objected to the waiver of the reading.

Senator Griesheimer moved that the reading of **SS No. 3** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288**, entitled:



SENATE SUBSTITUTE NO. 3 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 45, 212, 136, 278, 279, 285 & 288

An Act to repeal sections 32.105, 32.110, 32.111, 32.112, 32.115, 99.820, 99.865, 100.286, 100.297, 100.760, 100.770, 100.850, 105.145, 135.090, 135.305, 135.327, 135.352, 135.460, 135.484, 135.490, 135.535, 135.550, 135.600, 135.680, 135.700, 135.766, 135.800, 135.802, 135.805, 135.967, 208.770, 238.207, 238.212, 238.235, 253.550, 253.557, 348.505, 447.708, 620.014, 620.017, 620.470, 620.472, 620.478, 620.495, 620.1039, 620.1878, 620.1881, and 660.055, RSMo, and to enact in lieu thereof fifty-two new sections relating to taxation, with penalty provisions and an emergency clause and an expiration date for a certain section.

be waived, which motion prevailed on a standing division vote.

**SS No. 3** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288** was taken up.

Senator Griesheimer moved that **SS No. 3** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288** be adopted.

Senator Lager offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 45, 212, 136, 278, 279, 285 and 288, Page 43, Section 100.850, Lines 12-15, by striking all of said lines; and further amend line 16, by striking the word “dollars” and inserting in lieu thereof the following:

**“twenty-five million dollars annually”.**

Senator Lager moved that the above amendment be adopted.

Senator Ridgeway offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 45, 212, 136, 278, 279, 285 and 288, Page 43, Section 100.850, Line 11, by striking the opening and closing brackets on said line; and

Further amend said bill, section, and page lines 12-15, by striking all of said lines; and

Further amend said bill, section and page line 16, by striking the word “dollars” and inserting in lieu thereof the following:

**“million dollars annually”;** and

Further amend said bill, section, and page, line 22, by inserting immediately after the word “project.” the following:

**“Provisions of this section to the contrary notwithstanding, the total amount of tax credits provided under sections 100.700 to 100.850, which may be authorized in fiscal year 2010 for issuance, shall not exceed twenty million dollars. No tax credits provided under sections 100.700 to 100.850 shall be authorized for projects approved after June 30, 2010, unless an allocation sufficient to provide tax credits for such project is made pursuant to the provisions of section 135.821, provided, however, that**

**in no case shall such allocation exceed twenty million dollars. In any fiscal year for which an allocation is made pursuant to the provisions of section 135.821, RSMo, no more than the amount of tax credits so allocated shall be authorized.”; and**

Further amend said bill, section, and page, line 24, by striking the number “2015” and inserting in lieu thereof the following: “**2012**”; and further amend line 27 by striking the number “2015” and inserting in lieu thereof the following: “**2012**”; and

Further amend said bill, section 135.805, page 99, line 5, by inserting immediately after all of said line the following:

**“135.821. 1. Provisions of law to the contrary notwithstanding, no tax credit provided under sections 100.700 to 100.850, RSMo, shall be authorized after June 30, 2010, for issuance to a recipient, unless sufficient credits have been allocated for such program. No later than October 1, 2009, and the first day of October each year thereafter, the department of economic development shall provide to the budget committee of the house of representatives and the appropriations committee of the senate a request for an allocation for the tax credit program provided under sections 100.700 to 100.850, RSMo. Allocations made pursuant to the provisions of this section shall provide the amount of tax credits which may be authorized during the fiscal year immediately following the fiscal year in which such allocation is made. In the case of allocations for authorizations of tax credits which may be issued over a period of fiscal years for a single project or projects, such allocation shall be made for the total amount of tax credits to be issued in the aggregate over the entire term of fiscal years, and the subsequent issuance of tax credits so authorized shall not be taken into account in subsequent fiscal years for purposes of determining compliance with statutory limitations on tax credit authorization. For purposes of this section, “streaming credit issuance” shall mean any instance where an administering agency is allowed, by law, to issue tax credits over a period of years to a recipient for a single project or series of projects.**

**2. The allocations provided under this section shall only be made in the annual appropriation bill relating to public debt and shall specify:**

**(1) The program under which such tax credits may be authorized;**

**(2) The maximum amount which may be authorized for such program and the actual fiscal year allocation being made; and**

**(3) Whether the amount authorized is for streaming credit issuance and the amount so designated.**

**3. Allocations for any tax credit program which remain unauthorized at the end of the fiscal year shall expire on the thirtieth day of June of such fiscal year. The provisions of this section shall not be construed to limit or in any way impair a recipient's ability to redeem tax credits or an administering agency's ability to issue tax credits authorized prior to July 1, 2010.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above substitute amendment be adopted, which motion prevailed.

At the request of Senator Pearce, **SB 45, SB 212, SB 136, SB 278, SB 279, SB 285 and SB 288**, with **SCS and SS No. 3** for **SCS** (pending), were placed on the Informal Calendar.

## **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted

the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 141**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **INTRODUCTIONS OF GUESTS**

Senator Clemens introduced to the Senate, Art Reyes, Flint, Michigan.

Senator Nodler introduced to the Senate, James Sigler, Joplin.

Senator Wright-Jones introduced to the Senate, the Physician of the Day, Dr. Marsha Fisher, M.D., St. Louis.

Senator McKenna introduced to the Senate, Mike Evans, Erika Hoffman and Michael Singer, Andrew Cudworth, James McCabe, Brenda Pauley, Cameron Dawson and Rae Gayse, eleventh grade students from Fox High School, Arnold.

Senator Smith introduced to the Senate, Monique S. Gilliam, St. Louis.

Senator Bray introduced to the Senate, Abigail Baum, St. Louis.

Senator Bartle introduced to the Senate, Katie Wright and students from Oak Grove High School.

On behalf of Senators Green, Days, Cunningham, Wright-Jones, Bray and Smith, Senator Schmitt introduced to the Senate, Kevin Drollinger, board members, staff and Lesha Campbel, Shanise Harrie, Michael Austin, Laquita Howard, Jacquela Jackson, Melissa Whitaker, Keenan Kendrick, Erin Young, Ashley Cooley, Quincy Stroud, Jasmine Hulsey, Alisha Wahlers, Desiree Redus, Lattesia Graves, Ralanda Jones, Taylor Johnson and Desiree Thompson students from the Epworth Aging Out Youth Program, Webster Groves.

Senator Ridgeway introduced to the Senate, Paul and Karen Dexter, Liberty; and Roxi Griffin, Kansas City.

Senator Schmitt introduced to the Senate, Lauren Ross and Nicole Hatfield, Kirkwood.

Senator Pearce introduced to the Senate, David Mudd, Fred Niblock and seven American Legion State Youth and Government students.

Senator Griesheimer introduced to the Senate, thirty tenth grade American Legion of Missouri Youth students from St. Clair High School.

Senator Nodler introduced to the Senate, Matt Prihoda, James Link and fifty students from Ozark Bible School, Neosho.

On motion of Senator Engler, the Senate adjourned under the rules.

SENATE CALENDAR

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FORTY-FIFTH DAY—WEDNESDAY, APRIL 1, 2009

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 229-Ervin	HB 644-Wilson (130)
HCS for HB 427	HB 326-Sutherland
HCS for HB 661	HCS for HB 265
HB 248-Funderburk	HB 253-Davis, et al
HCS for HB 540	HB 282-Stevenson, et al
HCS for HBs 320, 39 & 662	HB 373-Wallace
HCS for HB 382	HB 210-Deeken
HCS for HB 281	HCS for HBs 234 & 493
HB 537-Dixon, et al	HB 283-Wood
HB 544-Smith (150), et al	HB 132-Fallert, et al
HB 811-Wasson	HB 257-Schieffer
HB 812-Wasson	HB 751-Schad, et al
HCS for HB 358	HCS for HB 231
HB 278-Meiners, et al	

THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp (In Fiscal Oversight)	SS for SCS for SB 539-Schaefer (In Fiscal Oversight)
SS for SB 291-Shields (In Fiscal Oversight)	SCS for SB 216-Scott
SS for SJR 3-Crowell	SCS for SB 117-Green (In Fiscal Oversight)
SS for SB 307-Dempsey	SS for SCS for SB 141-Smith

SENATE BILLS FOR PERFECTION

- |                                 |                                   |
|---------------------------------|-----------------------------------|
| 1. SB 267-Mayer and Green       | 6. SB 378-Nodler                  |
| 2. SBs 335 & 16-Rupp, with SCS  | 7. SB 558-Mayer, et al, with SCS  |
| 3. SBs 207 & 245-Rupp, with SCS | 8. SJR 12-Scott, with SCS         |
| 4. SB 172-Green and Cunningham  | 9. SB 555-Lager, with SCS         |
| 5. SB 406-Scott, with SCS       | 10. SB 228-Scott, et al, with SCS |

## HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

## SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 & 288-Pearce  
and Smith, with SCS & SS#3 for SCS (pending)  
SB 57-Stouffer, with SCS  
SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for SCS  
(pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler,  
with SCS (pending)

SB 236-Lembke  
SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS & SS#3 for SCS (pending)  
SB 264-Mayer  
SB 284-Lembke, et al  
SB 306-Dempsey, et al, with SCS  
SB 321-Days, et al, with SCS (pending)  
SB 363-Griesheimer, with SCS, SS for SCS  
and SA 2 (pending)  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones  
SB 527-Nodler and Bray

## RESOLUTIONS

## Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS &  
SS for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-FIFTH DAY—WEDNESDAY, APRIL 1, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I call upon you, for you will answer me, O God; incline your ear to me, hear my words.” (Psalm 17:6)

This is a challenging period for our country and state and our people look to us to provide solutions that will improve working opportunities and reduce their concerns. Heavenly Father, it is good to know that You hear us and we are thankful that we can call upon You at any time and You answer us with wisdom and help us to deal with the difficulties we are now facing, so we pray, continue to do so O Lord. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Pro Tem Shields assumed the Chair.

**RESOLUTIONS**

Senator Vogel offered the following resolution:

**SENATE RESOLUTION NO. 654**

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 4:30 p.m. on October 8, 2009 and from 8:00 a.m. to 12 noon on October 9, 2009.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 654** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 654** was adopted.

Senator Vogel offered the following resolution:

**SENATE RESOLUTION NO. 655**

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber and Hearing rooms for the purposes of its Youth in Government program on November 12, 2009 through November 14, 2009 and December 3, 2009 through December 5, 2009.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 655** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 655** was adopted.

Senator Crowell offered Senate Resolution No. 656, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. A.C. James, Sr., Sikeston, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Wright-Jones moved that **SB 477** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Wright-Jones offered **SS** for **SB 477**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 477

An Act to repeal sections 238.202, 238.208, 238.220, 238.225, 238.232, and 238.236, RSMo, and to enact in lieu thereof six new sections relating to transportation development districts.

Senator Wright-Jones moved that **SS** for **SB 477** be adopted.

Senator Wright-Jones offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 477, Pages 10-12, Section 238.232, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Wright-Jones moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 477, Page 1, Section A, Line 5 of said page, by inserting immediately after said line the following:

“105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) “Governing body”, the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) “Political subdivision”, any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the



political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

**8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275, RSMo. Any transportation development district that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine not to exceed five hundred dollars per day.”; and**

Further amend said bill, page 3, section 238.202, line 9 of said page, by inserting immediately after said line the following:

“238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation

authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The estimated project costs and the anticipated revenues to be collected from the project;

(6) The name of the proposed district;

(7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; [and]

(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable; **and**

**(12) Details of the budgeted expenditures, including estimated expenditures for real physical improvements, estimated land acquisition expenses, estimated expenses for professional services and estimated interest charges.**

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district; or, if not less than fifty registered voters from each of two or more counties sign a petition calling for the joint establishment of a district for the purpose of developing a project that lies in whole or in part within those same counties, the petition may be filed in the circuit court of any of those counties in which not less than fifty registered voters have signed the petition.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty registered voters in each of two or more counties, it shall set forth the name, voting residence, and county of residence of each individual petitioner;

(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.”; and

Further amend said bill, Page 4, Section 238.208, Line 10 of said page, by inserting after all of said line the following:

“238.212. 1. If the petition was filed by registered voters or by a governing body, the circuit clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

**NOTICE OF PETITION TO SUBMIT TO A  
POPULAR VOTE THE CREATION AND  
FUNDING OF A TRANSPORTATION  
DEVELOPMENT DISTRICT**

Notice is hereby given to all persons residing or owning property in (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that upon voter approval, a transportation development district by the name of “..... Transportation Development District” be formed for the purpose of developing the following transportation project: (here summarize the proposed transportation project or projects). The petition also requests voter approval of the following method(s) of funding the district, which (may) (shall not) increase the total taxes imposed within the proposed district: (describe the proposed funding methods). A copy of this petition is on file and available at the office of the clerk of the circuit court of ..... County, located at ....., Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the

transportation development district and requesting a declaratory judgment, as required by law, no later than the ..... day of ....., 20.. . You may show cause, if any there be, why such petition is defective or proposed transportation development district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be submitted for voter approval at a general, primary or special election as directed by this court.

..... Clerk of the  
Circuit Court of ..... County

2. The circuit court may also order a public hearing on the question of the creation and funding of the proposed district, if it deems such appropriate, under such terms and conditions as it deems appropriate. **The circuit court shall order at least one public hearing on the creation and funding of the proposed district, if the petition for creating such district was filed by the owners of record of all real property within the proposed district.** If a public hearing is ordered, notice of the time, date and place of the hearing shall also be given in the notice specified in subsection 1 of this section.”; and

Further amend said bill, page 12, section 238.232, line 5 of said page, by inserting immediately after said line the following:

“238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of ..... (transportation development district's name) impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the

question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the month following adoption of the tax by the qualified voters.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. On and after the effective date of any tax imposed pursuant to this section, the [transportation development district] **director of revenue** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, **and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section.** The tax imposed pursuant to this section **and the taxes imposed pursuant to all other laws of the state of Missouri** shall be collected **together** and reported upon such forms and [under] **pursuant to** such administrative rules and regulations as may be prescribed by the [transportation development district] **director of revenue.**

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. All sales taxes [collected] **received** by the transportation development district shall be deposited by the [transportation development district] **director of revenue** in a special fund to be expended for the purposes authorized in this section. The [transportation development district] **director of revenue** shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

6. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any

liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Wright-Jones, **SB 477**, with **SS**, as amended (pending), was placed on the Informal Calendar.

Senator Mayer moved that **SB 267** be taken up for perfection, which motion prevailed.

Senator Callahan offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 267, Page 6, Section 429.210, Lines 1 to 8, by deleting all of said lines; and  
Further amend said bill, Pages 6 and 7, Section 429.230, Lines 1 to 7, by deleting all of said lines; and  
Further amend said bill, Pages 7 to 9, Section 429.231, Lines 1 to 93, by deleting said section; and  
Further amend said title, enacting clause and intersectional references accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Mayer, **SB 267**, with **SA 1** (pending), was placed on the Informal Calendar.

At the request of Senator Rupp, **SB 335** and **SB 16**, with **SCS**, was placed on the Informal Calendar.

Senator Rupp moved that **SB 207** and **SB 245**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 207** and **245**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 207 and 245

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to data security

breaches.

Was taken up.

Senator Rupp moved that **SCS** for **SBs 207** and **245** be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Rupp, **SCS** for **SBs 207** and **245** was declared perfected and ordered printed.

**SB 172** was placed on the Informal Calendar.

Senator Scott moved that **SB 406**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 406**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 406**

An Act to repeal sections 195.070, 195.100, 334.104, and 334.735, RSMo, and to enact in lieu thereof five new sections relating to prescription authority for certain healthcare professions.

Was taken up.

Senator Scott moved that **SCS** for **SB 406** be adopted.

Senator Scott offered **SS** for **SCS** for **SB 406**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 406**

An Act to repeal sections 195.070, 195.100, 334.104, and 334.735, RSMo, and to enact in lieu thereof five new sections relating to prescription authority for certain healthcare professions.

Senator Scott moved that **SS** for **SCS** for **SB 406** be adopted, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **SB 406** was declared perfected and ordered printed.

Senator Wright-Jones moved that **SB 477**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SB 477**, as amended, was again taken up.

At the request of Senator Wright-Jones, **SB 477**, with **SS**, as amended (pending), was placed on the Informal Calendar.

Senator Nodler moved that **SB 378** be taken up for perfection, which motion prevailed.

On motion of Senator Nodler, **SB 378** was declared perfected and ordered printed.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:



## GOVERNOR OF MISSOURI

Jefferson City

65102

March 31, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lee A. Bascom, 2317 Parkridge Avenue, Saint Louis, Saint Louis County, Missouri 63144, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2012, and until her successor is duly appointed and qualified; vice, Julie Keathley, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

Jefferson City

65102

March 31, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Susan N. Levy, 21 Clermont Lane, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2011, and until her successor is duly appointed and qualified; vice, David Siscel, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

Jefferson City

65102

March 31, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Elizabeth Magee, 1017 LaGrange Court, Columbia, Boone County, Missouri 65203, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2011, and until her successor is duly appointed and qualified; vice, Richard B. Hicks, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

Jefferson City

65102

March 31, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Randy J. Rodgers, 5531 Waterfront Drive North, Columbia, Boone County, Missouri 65202, as a member of the Missouri Quality Home

Care Council, for a term ending March 01, 2010, and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 31, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

D. Kimberly Whittle, 8000 Crescent Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Child Abuse and Neglect Review Board, for a term ending April 04, 2010, and until her successor is duly appointed and qualified; vice, Sharon Laningham Silver, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 31, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Paul E. Connors to the Missouri Veterans Commission, submitted on March 18, 2009. Line 3 should be amended as follows:

“November 2, 2012, and until his successor is duly appointed and qualified; vice, Carson”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 31, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Patrick A. McInerney to the Kansas City Board of Police Commissioners, submitted on March 18, 2009. Line 3 should be amended as follows:

“Commissioners, for a term ending March 07, 2013 and until his successor is duly”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

Jefferson City

65102

March 31, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Nancy M. Nelson to the Missouri Veterans Commission, submitted on March 18, 2009. Line 2 should be amended as follows:

“as a member of the Missouri Veterans Commission, for a term ending November 2, 2012,”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments and addendums to the Committee on Gubernatorial Appointments.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

**RESOLUTIONS**

Senator Cunningham offered Senate Resolution No. 657, regarding Pfizer, Incorporated, Chesterfield, which was adopted.

Senator Shoemyer offered Senate Resolution No. 658, regarding the One Hundredth Anniversary of Clover Road Christian Church, Hannibal, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 659, regarding Alexandria Francine Trussler, St. Peters, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 660, regarding Allison Jean Krebsbach, Ballwin, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 661, regarding Megan Elise Gilbertson, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 662, regarding Brittany Elizabeth Shoemaker, Imperial, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 663, regarding Christina Marie Rasch, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 664, regarding Jacquelyn Michele Ballard, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 665, regarding Erin Marie Doyle, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 666, regarding Rachel Louise Robin, Hazelwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 667, regarding Sharoyah Monique Davis, Brooklyn, New York, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 668, regarding Brittany Anna Jensen, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 669, regarding Lauren Margaret Capuano, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 670, regarding Madison Shari Burke, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 671, regarding Rebecca M. LaChance, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 672, regarding Kathleen Louise Siebuhr, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 673, regarding Alison Renee Berndt, Hazelwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 674, regarding Madison Lynn Conklin, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 675, regarding Emma Howard, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 676, regarding Maureen Marie Mahon, Sunset Hills, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 677, regarding Melissa Marie Maciorowski, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 678, regarding Rebecca Ruthanne Schloemann, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 679, regarding Stephanie Danielle Boyce, St. Peters, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 680, regarding Paige Champaign, Imperial, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 681, regarding Katie Lena Ensign, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 682, regarding Megan R. McKenzie, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 683, regarding Kristin Elizabeth Knoop, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 684, regarding Amber Capri McCreary, St. Peters, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 685, regarding Michelle Ouhl, Festus, which was

adopted.

Senator Wright-Jones offered Senate Resolution No. 686, regarding Ashley Marie Mitchell, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 687, regarding Morgan E. Geile, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 688, regarding Margaret Mary Dillon, Clayton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 689, regarding Grace Anna Dubrowski, Lake St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 690, regarding Jennifer Leigh Townsend, St. Peters, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 691, regarding Alyssa Lavonne Uro, St. Peters, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 692, regarding Stephanie Marie Efthim, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 693, regarding Jessica Lee Habersstock, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 694, regarding Amanda Davis, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 695, regarding Hannah Williams, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 696, regarding Judy Lynn Bafaro, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 697, regarding Emily Ann Walk, Wentzville, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 698, regarding Margaret Elizabeth “Emmie” Altepeter, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 699, regarding Joy Renae Nasalroad, Florissant, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 700, regarding Shelby Taylor Gregory, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 701, regarding Jennifer Lynn Meyers, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 702, regarding Elizabeth Louise Lawless, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 703, regarding Taylor Lee Ann Nixon, Barnhart, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 704, regarding Blaire Elizabeth Nixon, Barnhart, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 705, regarding Casey Brandt, Washington, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 706, regarding Angela Rose Garcia, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 707, regarding Samantha Nichole Sullivan, Washington, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 708, regarding Kristen M. Hug, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 709, regarding Karen L. Dick, Florissant, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 710, regarding Kathryn E. Notch, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 711, regarding Julia Rose Millburg, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 712, regarding Christina B. Robinson, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 713, regarding Emily J. Murphy, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 714, regarding Emily Timon Hagar, Arnold, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 715, regarding Sarah Elizabeth Ashmore, Cedar Hill, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 716, regarding Colleen Renee Hunter, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 717, regarding Kathryn Lyn Ervin, Festus, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 718, regarding Heather Marie Cochran, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 719, regarding Robyn Elizabeth Boltz, Lake St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 720, regarding Michelle Anne Boyer, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 721, regarding Abby Sabrina Mae Rose, Lonedell, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 722, regarding Sarah Elise Godbold, Ellisville, which was adopted.

Senator Dempsey offered Senate Resolution No. 723, regarding Theodore Kneemiller, St. Charles, which was adopted.

Senator Clemens offered Senate Resolution No. 724, regarding Fair Grove School District, which was adopted.

Senator Dempsey offered Senate Resolution No. 725, regarding Thomas J. Foley, II, St. Peters, which was adopted.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 229**—Health, Mental Health, Seniors and Families.

**HCS for HB 427**—Veterans' Affairs, Pensions and Urban Affairs.

**HCS for HB 661**—Agriculture, Food Production and Outdoor Resources.

**HB 248**—Ways and Means.

**HCS for HB 540**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HBs 320, 39 and 662**—Ways and Means.

**HCS for HB 382**—Financial and Governmental Organizations and Elections.

**HCS for HB 281**—Commerce, Consumer Protection, Energy and the Environment.

**HB 537**—Transportation.

**HB 544**—General Laws.

**HB 811**—Financial and Governmental Organizations and Elections.

**HB 812**—Financial and Governmental Organizations and Elections.

**HCS for HB 358**—Transportation.

**HB 278**—Commerce, Consumer Protection, Energy and the Environment.

**HB 644**—Commerce, Consumer Protection, Energy and the Environment.

**HB 326**—Progress and Development.

**HCS for HB 265**—Veterans' Affairs, Pensions and Urban Affairs.

**HB 253**—Transportation.

**HB 282**—General Laws.

**HB 373**—Education.

**HB 210**—Veterans' Affairs, Pensions and Urban Affairs.

**HCS for HBs 234 and 493**—Jobs, Economic Development and Local Government.

**HB 283**—Jobs, Economic Development and Local Government.

**HB 132**—Commerce, Consumer Protection, Energy and the Environment.

**HB 257**—Jobs, Economic Development and Local Government.

**HB 751**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 231**—Health, Mental Health, Seniors and Families.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 378**; **SS** for **SCS** for **SB 406**; and **SCS** for **SBs 207** and **245**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Shields referred **SCS** for **SBs 207** and **245** to the Committee on Governmental Accountability and Fiscal Oversight.

### **SENATE BILLS FOR PERFECTION**

Senator Dempsey moved that **SB 306**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 306**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 306**

An Act to amend chapter 208, RSMo, by adding thereto fourteen new sections relating to the show-me health coverage plan.

Was taken up.

Senator Dempsey moved that **SCS** for **SB 306** be adopted.

Senator Dempsey offered **SS** for **SCS** for **SB 306**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 306**

An Act to amend chapter 208, RSMo, by adding thereto fourteen new sections relating to the show-me health coverage plan.

Senator Dempsey moved that **SS** for **SCS** for **SB 306** be adopted.

Senator Dempsey offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 5, Section 208.1318, Line 17 of said page, by striking “or” and inserting in lieu thereof the following: “**of**”.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 2**:



## SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 1, Section A, Line 5 of said page, by inserting after all of said line the following:

“208.215. 1. MO HealthNet is payer of last resort unless otherwise specified by law. When any person, corporation, institution, public agency or private agency is liable, either pursuant to contract or otherwise, to a participant receiving public assistance on account of personal injury to or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled, payments made by the department of social services or MO HealthNet division shall be a debt due the state and recoverable from the liable party or participant for all payments made [in] **on** behalf of the participant and the debt due the state shall not exceed the payments made from MO HealthNet benefits provided under sections 208.151 to 208.158 and section 208.162 and section 208.204 on behalf of the participant, minor or estate for payments on account of the injury, disease, or disability or benefits arising from a health insurance program to which the participant may be entitled. **Any health benefit plan as defined in section 376.1350, RSMo, third party administrator, administrative service organization, and pharmacy benefits manager, shall process and pay all properly submitted medical assistance subrogation claims or MO HealthNet subrogation claims:**

**(1) For a period of three years from the date services were provided or rendered, regardless of any other timely filing requirement otherwise imposed by such entity, and the entity shall not deny such claims on the basis of the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization; and**

**(2) If any action by the state to enforce its rights with respect to such claim is commenced within six years of the state's submission of such claim.**

2. The department of social services, MO HealthNet division, or its contractor may maintain an appropriate action to recover funds paid by the department of social services or MO HealthNet division or its contractor that are due under this section in the name of the state of Missouri against the person, corporation, institution, public agency, or private agency liable to the participant, minor or estate.

3. Any participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death who pursues legal rights against a person, corporation, institution, public agency, or private agency liable to that participant or minor for injuries, disease or disability or benefits arising from a health insurance plan to which the participant may be entitled as outlined in subsection 1 of this section shall upon actual knowledge that the department of social services or MO HealthNet division has paid MO HealthNet benefits as defined by this chapter promptly notify the MO HealthNet division as to the pursuit of such legal rights.

4. Every applicant or participant by application assigns his right to the department of social services or MO HealthNet division of any funds recovered or expected to be recovered to the extent provided for in this section. All applicants and participants, including a person authorized by the probate code, shall cooperate with the department of social services, MO HealthNet division in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for MO HealthNet benefits as provided in sections 208.151 to 208.159 and sections 208.162 and 208.204. All applicants and participants shall cooperate with the agency in obtaining third-party resources due to the applicant, participant, or child for whom assistance is claimed. Failure to cooperate without good cause as determined by the department of social services, MO HealthNet division in

accordance with federally prescribed standards shall render the applicant or participant ineligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204. A [recipient] **participant** who has notice or who has actual knowledge of the department's rights to third-party benefits who receives any third-party benefit or proceeds for a covered illness or injury is either required to pay the division within sixty days after receipt of settlement proceeds the full amount of the third-party benefits up to the total MO HealthNet benefits provided or to place the full amount of the third-party benefits in a trust account for the benefit of the division pending judicial or administrative determination of the division's right to third-party benefits.

5. Every person, corporation or partnership who acts for or on behalf of a person who is or was eligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204 for purposes of pursuing the applicant's or participant's claim which accrued as a result of a nonoccupational or nonwork-related incident or occurrence resulting in the payment of MO HealthNet benefits shall notify the MO HealthNet division upon agreeing to assist such person and further shall notify the MO HealthNet division of any institution of a proceeding, settlement or the results of the pursuit of the claim and give thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or participant to recover damages for such injuries, disease, or disability, or benefits arising from a health insurance program to which the participant may be entitled.

6. Every participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death, or his attorney or legal representative shall promptly notify the MO HealthNet division of any recovery from a third party and shall immediately reimburse the department of social services, MO HealthNet division, or its contractor from the proceeds of any settlement, judgment, or other recovery in any action or claim initiated against any such third party. A judgment, award, or settlement in an action by a [recipient] **participant** to recover damages for injuries or other third-party benefits in which the division has an interest may not be satisfied without first giving the division notice and a reasonable opportunity to file and satisfy the claim or proceed with any action as otherwise permitted by law.

7. The department of social services, MO HealthNet division or its contractor shall have a right to recover the amount of payments made to a provider under this chapter because of an injury, disease, or disability, or benefits arising from a health insurance plan to which the participant may be entitled for which a third party is or may be liable in contract, tort or otherwise under law or equity. Upon request by the MO HealthNet division, all third-party payers shall provide the MO HealthNet division with information contained in a 270/271 Health Care Eligibility Benefits Inquiry and Response standard transaction mandated under the federal Health Insurance Portability and Accountability Act, except that third-party payers shall not include accident-only, specified disease, disability income, hospital indemnity, or other fixed indemnity insurance policies.

8. The department of social services or MO HealthNet division shall have a lien upon any moneys to be paid by any insurance company or similar business enterprise, person, corporation, institution, public agency or private agency in settlement or satisfaction of a judgment on any claim for injuries or disability or disease benefits arising from a health insurance program to which the participant may be entitled which resulted in medical expenses for which the department or MO HealthNet division made payment. This lien shall also be applicable to any moneys which may come into the possession of any attorney who is handling the claim for injuries, or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled which resulted in payments made by the department or MO HealthNet division.

In each case, a lien notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or participant has a claim, demand or cause of action. The lien shall claim the charge and describe the interest the department or MO HealthNet division has in the claim, demand or cause of action. The lien shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

9. On petition filed by the department, or by the participant, or by the defendant, the court, on written notice of all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the department has charge. The court may determine what portion of the recovery shall be paid to the department against the recovery. In making this determination the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) The amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the participant incident to the recovery; and whether the department should, as a matter of fairness and equity, bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) The amount, if any, of the attorney's fees and other costs incurred by the participant incident to the recovery and paid by the participant up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) The total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the participant, by insurance provided by the participant, and by the department, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) Whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the participant;

(5) The age of the participant and of persons dependent for support upon the participant, the nature and permanency of the participant's injuries as they affect not only the future employability and education of the participant but also the reasonably necessary and foreseeable future material, maintenance, medical rehabilitative and training needs of the participant, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) The realistic ability of the participant to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

10. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction.

11. The court may reduce and apportion the department's or MO HealthNet division's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The department or MO HealthNet division shall pay its pro rata share of the attorney's fees based on the department's or MO HealthNet division's lien as it compares to the total settlement agreed upon. This section shall not affect the priority of an attorney's lien under section 484.140, RSMo. The charges of the department or MO HealthNet division or contractor described in this section, however, shall take priority over all other liens and charges existing under the laws of the state of Missouri with the exception of the attorney's lien under such statute.

12. Whenever the department of social services or MO HealthNet division has a statutory charge under this section against a recovery for damages incurred by a participant because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, [irrespective] **regardless** of whether [or not] an action based on participant's claim has been filed in court. Nothing herein shall prohibit the director from entering into a compromise agreement with any participant, after consideration of the factors in subsections 9 to 13 of this section.

13. This section shall be inapplicable to any claim, demand or cause of action arising under the workers' compensation act, chapter 287, RSMo. From funds recovered pursuant to this section the federal government shall be paid a portion thereof equal to the proportionate part originally provided by the federal government to pay for MO HealthNet benefits to the participant or minor involved. The department or MO HealthNet division shall enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on permanently institutionalized individuals. The department or MO HealthNet division shall have the right to enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on all other institutionalized individuals. For the purposes of this subsection, "permanently institutionalized individuals" includes those people who the department or MO HealthNet division determines cannot reasonably be expected to be discharged and return home, and "property" includes the homestead and all other personal and real property in which the participant has sole legal interest or a legal interest based upon co-ownership of the property which is the result of a transfer of property for less than the fair market value within thirty months prior to the [participant's] **participants** entering the nursing facility. The following provisions shall apply to such liens:

(1) The lien shall be for the debt due the state for MO HealthNet benefits paid or to be paid on behalf of a participant. The amount of the lien shall be for the full amount due the state at the time the lien is enforced;

(2) The MO HealthNet division shall file for record, with the recorder of deeds of the county in which any real property of the participant is situated, a written notice of the lien. The notice of lien shall contain the name of the participant and a description of the real estate. The recorder shall note the time of receiving such notice, and shall record and index the notice of lien in the same manner as deeds of real estate are required to be recorded and indexed. The director or the director's designee may release or discharge all or part of the lien and notice of the release shall also be filed with the recorder. The department of social services, MO HealthNet division, shall provide payment to the recorder of deeds the fees set for similar filings in connection with the filing of a lien and any other necessary documents;

(3) No such lien may be imposed against the property of any individual prior to the individual's death on account of MO HealthNet benefits paid except:

(a) In the case of the real property of an individual:

a. Who is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution, to spend for costs of medical care all but a minimal amount of his or her income required for personal needs; and

b. With respect to whom the director of the MO HealthNet division or the director's designee determines, after notice and opportunity for hearing, that he cannot reasonably be expected to be discharged from the medical institution and to return home. The hearing, if requested, shall proceed under the provisions of chapter 536, RSMo, before a hearing officer designated by the director of the MO HealthNet division; or

(b) Pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual;

(4) No lien may be imposed under paragraph (b) of subdivision (3) of this subsection on such individual's home if one or more of the following persons is lawfully residing in such home:

(a) The spouse of such individual;

(b) Such individual's child who is under twenty-one years of age, or is blind or permanently and totally disabled; or

(c) A sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution;

(5) Any lien imposed with respect to an individual pursuant to subparagraph b of paragraph (a) of subdivision (3) of this subsection shall dissolve upon that individual's discharge from the medical institution and return home.

14. The debt due the state provided by this section is subordinate to the lien provided by section 484.130, RSMo, or section 484.140, RSMo, relating to an attorney's lien and to the participant's expenses of the claim against the third party.

15. Application for and acceptance of MO HealthNet benefits under this chapter shall constitute an assignment to the department of social services or MO HealthNet division of any rights to support for the purpose of medical care as determined by a court or administrative order and of any other rights to payment for medical care.

16. All participants receiving benefits as defined in this chapter shall cooperate with the state by reporting to the family support division or the MO HealthNet division, within thirty days, any occurrences where an injury to their persons or to a member of a household who receives MO HealthNet benefits is sustained, on such form or forms as provided by the family support division or MO HealthNet division.

17. If a person fails to comply with the provision of any judicial or administrative decree or temporary order requiring that person to maintain medical insurance on or be responsible for medical expenses for a dependent child, spouse, or ex-spouse, in addition to other remedies available, that person shall be liable to the state for the entire cost of the medical care provided pursuant to eligibility under any public assistance program on behalf of that dependent child, spouse, or ex-spouse during the period for which the required medical care was provided. Where a duty of support exists and no judicial or administrative decree or temporary order for support has been entered, the person owing the duty of support shall be liable to the

state for the entire cost of the medical care provided on behalf of the dependent child or spouse to whom the duty of support is owed.

18. The department director or the director's designee may compromise, settle or waive any such claim in whole or in part in the interest of the MO HealthNet program. Notwithstanding any provision in this section to the contrary, the department of social services, MO HealthNet division is not required to seek reimbursement from a liable third party on claims for which the amount it reasonably expects to recover will be less than the cost of recovery or for which recovery efforts will not be cost-effective. Cost-effectiveness is determined based on the following:

(1) Actual and legal issues of liability as may exist between the [recipient] **participant** and the liable party;

(2) Total funds available for settlement; and

(3) An estimate of the cost to the division of pursuing its claim.”; and

Further amend said bill, page 17, section 208.1345, line 2 of said page, by inserting after all of said line the following:

“287.266. 1. As used in this section, the following terms mean:

(1) “Provider”, any individual, corporation, public or private entity that has entered into an agreement with the state to provide any service set out in section 208.152, RSMo, and subsequent amendments;

(2) “Person eligible for public assistance”, any individual who is or was eligible for medical assistance under the laws of this state.

2. Payments made **by the department** to or on behalf of a person eligible for public assistance as the result of any compensable injury, occupational disease or disability as defined by this chapter **shall be presumed to be benefits incorrectly paid for purposes of 42 U.S.C. 1396p**, shall be a debt due the state, and recovery of same shall be a recognized action pursuant to this chapter. **Any settlement approved or judgment issued by the administrative law judge shall constitute a judgment of a court on account of benefits incorrectly paid under 42 U.S.C. 1396p.**

3. The state shall have a lien upon any funds owed by any employer that are or might be due under any insurance agreement or self-insurance authority in effect at the time the medical expense or any portion thereof was paid by the department of social services or its designated division.

4. **Any settlement approved or judgment issued by the administrative law judge shall require full repayment of all moneys paid by the department to or on behalf of a person eligible for public assistance as the result of any compensable injury, occupational disease, or disability as defined by this chapter. All moneys repaid to the department shall be allocated as medical expenses in the settlement or judgment.** The state shall have a right of subrogation to any funds **for medical expenses** owed to or received by the employee or any person, corporation, public agency or private agency acting on his behalf notwithstanding any other provisions of this chapter. **The amount of medical expenses authorized by the administrative law judge shall be greater than or equal to the debt due the state. In no case shall the debt due the state be reduced.**

5. The department [of social services] or its designated division may maintain an appropriate action to recover funds due under this section pursuant to the workers' compensation law or the second injury fund, which includes the exercise of all appeal rights afforded by the laws of this state.

6. The department shall have a right to recover the full amount of its payments when payments are made to a provider under this chapter if the payments were made on behalf of a person eligible for public assistance for an injury, occupational disease, or disability which is compensable under this chapter **notwithstanding the injured employee's selection of a provider or direction of care.**

7. This debt due the state shall be subordinate only to the fee rights of the injured employee's attorney pursuant to this chapter, and the state shall not be required to pay any portion of the fees or costs incurred by the employee or the employer.

8. Application for and acceptance of public assistance made to or on behalf of the injured employee shall constitute an assignment of rights to the department of social services for reimbursement of funds expended by the department of social services in the treatment of a compensable injury.

9. **The employer and attorney for an injured worker who is eligible for and receives public assistance as provided by sections 208.151 to 208.159, RSMo, and section 208.162, RSMo, as the result of an occupational or work-related incident shall give the department of social services thirty days notice of any institution of a proceeding, settlement, or judgment. No settlement or judgment may be approved or issued by the administrative law judge without the filing of a release from the MO HealthNet division evidencing full repayment of all moneys paid by the department to or on behalf of a person eligible for public assistance as the result of any compensable injury, occupational disease, or disability as defined by this chapter.** [The] Any attorney for the injured worker shall also notify the department of social services upon representation of each client who was eligible for public assistance as provided by sections 208.151 to 208.159, RSMo, and section 208.162, RSMo, prior to, during or subsequent to the date of injury, that the attorney was retained to pursue the client's legal rights related to the compensable injury.

10. The administrative law judge, pursuant to authority granted under section 287.610, shall apportion the debt due the state between the injured worker and the injured worker's employer or their designated representatives **in accordance with state and federal law** when an agreement cannot be reached regarding the respective liability for money expended by the department of social services on behalf of the injured employee, but in no case shall the debt due the state be reduced.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Engler assumed the Chair.

Senator Stouffer offered **SA 3:**

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 1, In the Title, Lines 3-4, by striking “the show-me health coverage plan” and inserting in lieu thereof the following: “health care services”; and

Further amend said bill and page, Section A, line 5 of said page, by inserting immediately after said line the following:

**“191.1127. 1. The MO HealthNet program and the health care for uninsured children program under sections 208.631 to 208.659, RSMo, in consultation with statewide organizations focused on premature infant health care, shall:**

**(1) Examine and improve hospital discharge and follow-up care procedures for premature infants born earlier than thirty-seven weeks gestational age to ensure standardized and coordinated processes are followed as premature infants leave the hospital from either a well-baby nursery, step down or transitional nursery, or neonatal intensive care unit and transition to follow-up care by a health care provider in the community;**

**(2) Urge hospitals serving infants eligible for medical assistance under the MO HealthNet and health care for uninsured children programs to report to the state the causes and incidence of all re-hospitalizations of infants born premature at earlier than thirty-seven weeks gestational age within their first six months of life; and**

**(3) Use guidance from the Centers for Medicare and Medicaid Services' Neonatal Outcomes Improvement Project to implement programs to improve newborn outcomes, reduce newborn health costs, and establish ongoing quality improvement for newborns.**

**191.1130. 1. The department of health and senior services shall, by December 31, 2009, prepare written educational publications containing information about the possible complications, proper care and support associated with newborn infants who are born premature at earlier than thirty-seven weeks gestational age. The written information, at a minimum, shall include the following:**

**(1) The unique health issues affecting infants born premature, such as:**

**(a) Increased risk of developmental problems;**

**(b) Nutritional challenges;**

**(c) Infection;**

**(d) Chronic lung disease (bronchopulmonary dysplasia);**

**(e) Vision and hearing impairment;**

**(d) Breathing problems;**

**(f) Fine motor skills;**

**(g) Feeding;**

**(h) Maintaining body temperature;**

**(i) Jaundice;**

**(j) Hyperactivity;**

**(k) Infant mortality as well as long-term complications associated with growth and nutrition;**

**(l) Respiratory; and**

**(m) Reading, writing, mathematics, and speaking;**

**(2) The proper care needs of premature infants, developmental screenings and monitoring and health care services available to premature infants through the MO HealthNet program and other public or private health programs;**

**(3) Methods, vaccines, and other preventative measures to protect premature infants from infectious diseases, including viral respiratory infections;**



**(4) The emotional and financial burdens and other challenges that parents and family members of premature infants experience and information about community resources available to support them.**

**2. The publications shall be written in clear language to educate parents of premature infants across a variety of socioeconomic statuses. The department may consult with community organizations that focus on premature infants or pediatric health care. The department shall update the publications every two years.**

**3. The department shall distribute these publications to children's health providers, maternal care providers, hospitals, public health departments, and medical organizations and encourage those organizations to provide the publications to parents or guardians of premature infants.”; and**

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 1, Section A, Line 5, by inserting after all of said line the following:

**“208.192. 1. By August 28, 2010, the director of the MO HealthNet division shall implement a program under which the director shall make available through its Internet web site nonaggregated information on individuals collected under the federal Medicaid Statistical Information System described in the Social Security Act, Section 1903(r)(1)(F), insofar as such information has been de-identified in accordance with regulations promulgated under the Health Insurance Portability and Accountability Act of 1996, as amended. In implementing such program, the director shall ensure that:**

**(1) The information made so available is in a format that is easily accessible, useable, and understandable to the public, including individuals interested in improving the quality of care provided to individuals eligible for programs and services under the MO HealthNet program, researchers, health care providers, and individuals interested in reducing the prevalence of waste and fraud under the program;**

**(2) The information made so available is as current as deemed practical by the director and shall be updated at least once per calendar quarter;**

**(3) To the extent feasible, all health care providers, as such term is defined in subdivision (20) of section 376.1350, RSMo, included in such information are identifiable by name to individuals who access the information through such program; and**

**(4) The director periodically solicits comments from a sampling of individuals who access the information through such program on how to best improve the utility of the program.**

**2. For purposes of implementing the program under this section and ensuring the information made available through such program is periodically updated, the director may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the director determines appropriate.**

**3. By August 28, 2011, and annually thereafter, the director shall submit to the general assembly**

and the MO HealthNet oversight committee, a report on the progress of the program under subsection 1 of this section, including the extent to which information made available through the program is accessed and the extent to which comments received under subdivision (4) of subsection 1 of this section were used during the year involved to improve the utility of the program.

4. By August 28, 2011, the director shall submit to the general assembly and the MO HealthNet oversight committee a report on the feasibility, potential costs, and potential benefits of making publicly available through an Internet-based program de-identified payment and patient encounter information for items and services furnished under Title XXI of the Social Security Act which would not otherwise be included in the information collected under the federal Medicaid Statistical Information System described in Section 1903(r)(1)(F) of such act and made available under Section 1942 of such act, as added by Section 5008.

5. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey moved that **SS** for **SCS** for **SB 306**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SS** for **SCS** for **SB 306**, as amended, was declared perfected and ordered printed.

Senator Scott assumed the Chair.

## RE-REFERRALS

President Pro Tem Shields re-referred **HB 751** to the Committee on Financial and Governmental Organizations and Elections.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 238**, entitled:

An Act to repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to annual judicial reports.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 255**, entitled:

An Act to repeal sections 37.320 and 109.250, RSMo, and to enact in lieu thereof two new sections relating to the state records commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 482**, entitled:

An Act to repeal section 479.260, RSMo, and to enact in lieu thereof one new section relating to the use of municipal court fees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 802**, entitled:

An Act to repeal section 32.105, RSMo, and to enact in lieu thereof one new section relating to neighborhood assistance act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HBs 128 and 340**, entitled:

An Act to repeal section 9.020, RSMo, and to enact in lieu thereof two new sections relating to holidays.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 237**, entitled:

An Act to repeal section 517.041, RSMo, and to enact in lieu thereof one new section relating to service of summons.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 272**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Alzheimer's state plan task force.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 214**, entitled:

An Act to repeal sections 70.655, 70.695, 70.710, 70.720, and 70.730, RSMo, and to enact in lieu thereof five new sections relating to the Missouri local government employees' retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 397**, entitled:

An Act to repeal sections 86.200, 86.237, 86.257, 86.260, 86.263, 86.270, 86.1170, and 86.1240, RSMo, and to enact in lieu thereof eight new sections relating to police retirement, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 546**, entitled:

An Act to repeal sections 478.003 and 487.020, RSMo, and to enact in lieu thereof two new sections relating to drug court commissioners also being appointed as family court commissioners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 709**, entitled:

An Act to repeal section 115.163, RSMo, and to enact in lieu thereof one new section relating to voter identification.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 667**, entitled:

An Act to repeal section 57.010, RSMo, and to enact in lieu thereof one new section relating to qualifications of sheriffs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 859**, entitled:

An Act to repeal section 67.280, RSMo, and to enact in lieu thereof one new section relating to community codes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 914**, entitled:

An Act to repeal section 361.340, RSMo, and to enact in lieu thereof one new section relating to the powers of the director of finance, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 928**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 177**, entitled:

An Act to repeal section 566.226, RSMo, and to enact in lieu thereof one new section relating to court records for sexual offenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 171**, entitled:

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to payment of rent when a leased residence is destroyed.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 919**, entitled:

An Act to repeal section 376.421, RSMo, and to enact in lieu thereof one new section relating to group health insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 306**, entitled:

An Act to repeal section 67.1177, RSMo, and to enact in lieu thereof one new section relating to certain hotel and motel taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 861**, entitled:

An Act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to assistant adjutants general.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 593**, entitled:

An Act to repeal sections 86.107 and 86.590, RSMo, and to enact in lieu thereof two new sections relating to investments by the board of trustees of police and firemen's pension systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 745**, entitled:

An Act to repeal section 34.070, RSMo, and to enact in lieu thereof one new section relating to state purchasing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 918**, entitled:

An Act to authorize the conveyance of certain state property, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 485**, entitled:

An Act to repeal section 44.227, RSMo, and to enact in lieu thereof one new section relating to the seismic safety commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 685**, entitled:

An Act to repeal section 43.200, RSMo, and to enact in lieu thereof one new section relating to serving search warrants for certain traffic-related offenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 273**, entitled:

An Act to repeal section 473.543, RSMo, and to enact in lieu thereof one new section relating to supportive documentation for disbursements in excess of seventy-five dollars.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 736**, entitled:

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to caller location information.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 866**, entitled:

An Act to repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against licensed professionals by sexual violent predators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 867**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 659**, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the transition of school governance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 525**, entitled:

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to autism as addressed by the division of developmental disabilities.

In which the concurrence of the Senate is respectfully requested.



Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 826**, entitled:

An Act to repeal sections 630.110, 632.489, and 632.495, RSMo, and to enact in lieu thereof three new sections relating to sexually violent predators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 807**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the designation of the official state waterway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 844**, entitled:

An Act to repeal section 41.1000, RSMo, and to enact in lieu thereof one new section relating to the civil air patrol.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 103**, entitled:

An Act to repeal section 44.090, RSMo, and to enact in lieu thereof one new section relating to mutual-aid agreements and the Missouri mutual aid system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 294**, entitled:

An Act to repeal section 535.020, RSMo, and to enact in lieu thereof one new section relating to nonpayment of rent cases.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 698**, entitled:

An Act to repeal section 407.485, RSMo, and to enact in lieu thereof one new section relating to donation receptacles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 842**, entitled:

An Act to repeal section 339.710, RSMo, and to enact in lieu thereof one new section relating to real estate brokers and agents.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 89**, entitled:

An Act to repeal section 300.390 and 577.060, RSMo, and to enact in lieu thereof two new sections relating to traffic violations, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 747**, entitled:

An Act to repeal section 566.145, RSMo, and to enact in lieu thereof one new section relating to sexual contact with a prisoner or offender, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 836** and **753**, entitled:

An Act to repeal section 534.030, RSMo, and to enact in lieu thereof one new section relating to notice that a foreclosure sale has occurred.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 752**, entitled:

An Act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof two new sections relating to transportation appointees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 947**, entitled:

An Act to repeal sections 86.200, 86.237, 86.257, 86.260, 86.263, 86.270, 86.1170, and 86.1240, RSMo, and to enact in lieu thereof eight new sections relating to police retirement, with an emergency clause, for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 895**, entitled:

An Act to authorize the conveyance of an easement for right of access over property owned by the state in Macon County.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 683**, entitled:

An Act to repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to temporary license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **INTRODUCTIONS OF GUESTS**

Senator Engler introduced to the Senate, Chris Schillinger, Wendy Laird and Paige Savage, Ironton.

Senator Cunningham introduced to the Senate, Teresa Bommarito and Kim Segasture, St. Louis County.

Senator Bartle introduced to the Senate, Elena Huston and Beverly Williams, representatives of Hospice.

On behalf of Senator Shields, the President introduced to the Senate, Jim Pierce, Kari Maag, Laura Bodicky and Sandra McGuire, St. Joseph; Jane Moore, Jefferson City; and hospice volunteers from around the state.

Senator Schmitt introduced to the Senate, Julie Roscoe, Rebecca Fehlig and Becky Blackwell, representatives of Autism Awareness Month, Webster Groves.

Senator McKenna introduced to the Senate, Dennis and Carolyn Tessereau, Herculaneum.

Senator Nodler introduced to the Senate, Rhonda Gorhan and Courtney Cott, Boys and Girls Club of Southwest Missouri.

Senator Nodler introduced to the Senate, Paige Parker, Joplin.

Senator Scott introduced to the Senate, his aunt, Philina Scott, Lowry City; and representatives of Twin Lakes Hospice.

Senator Scott introduced to the Senate, the Physician of the Day, Dr. Wayne Morton, M.D., Osceola.

Senator Rupp introduced to the Senate, adults and sixteen fifth grade students from Messiah Lutheran School, St. Charles.

Senator Purgason introduced to the Senate, Phil Phillips, Osage Beach; Lovey Leuwerke, Camdenton; and Chase Phillips, Springfield.

Senator Mayer introduced to the Senate, Margi Thompson, Roger Hogg, Abbey Redford, Mona Lee and Teniece Jefferson, Poplar Bluff.

Senator Bartle introduced to the Senate, Katie Wright and students from Oak Grove High School.

Senator Schmitt introduced to the Senate, representatives of St. John's Mercy Hospice: Helen Cassidy, Webster Groves; Maxine Reisenleiter, Brentwood; and Louisa Gregory and Ellen Papas, St. Louis.

Senator Barnitz introduced to the Senate, parents, teachers and sixty fourth grade students from Maries County R-2 School, Belle.

Senator Smith introduced to the Senate, representatives of Big Brothers/Big Sisters, St. Louis.

On behalf of Senator Days and herself, Senator Bray introduced to the Senate, Missouri Teacher of the Year Margaret Williams and eleventh grade students from University City High School.

Senator Rupp introduced to the Senate, representatives of Boys and Girls Club of Missouri, St. Charles County.

Senator Champion introduced to the Senate, Dawn Hiles, Dan Scott, Bill Magers and Russ Marquart, Springfield.

Senator Lager introduced to the Senate, Larry O'Riley and his grandson, Garrett O'Riley, Maryville; and Garrett was made an honorary page.

Senator Schmitt introduced to the Senate, Alderman Steve Drake, Valley Park.

On behalf of Senator Pearce, the President introduced to the Senate, Stormy Taylor, Mrs. Moore and representatives of Big Brothers/Big Sisters, Johnson County.

Senator Justus introduced to the Senate, her father, Judge James K. Justus, Taney County.

On behalf of Senator Pearce, the President introduced to the Senate, Jean Othick, Warrensburg.

On behalf of Senator Wilson and herself, Senator Justus introduced to the Senate, members of the South Kansas City Chamber of Commerce Leadership Class.

Senator Scott introduced to the Senate, Jake and Nancy Peaster, Cole Camp; and students from Oak Ridge School, Stover.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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FORTY-SIXTH DAY—THURSDAY, APRIL 2, 2009

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HB 238-Jones (89), et al	HCS for HB 485
HB 255-Scharnhorst	HCS for HB 685
HB 482-Jones (189), et al	HCS for HB 273
HB 802-Tracy, et al	HCS for HB 736
HCS for HBs 128 & 340	HB 866-Wells, et al
HCS for HB 237	HB 867-Guest
HCS for HB 272	HB 659-Dusenberg, et al
HCS for HB 214	HCS for HB 525
HCS for HB 397	HB 826-Brown (149), et al
HB 546-Smith (150), et al	HB 807-Wilson (130), et al
HB 709-Dusenberg, et al	HCS for HB 844
HCS for HB 667	HB 103-Wildberger, et al
HB 859-Dieckhaus, et al	HCS for HB 294
HCS for HB 914	HB 698-Zimmerman, et al
HB 928-Dieckhaus	HB 842-Wood
HCS for HB 177	HCS for HB 89
HB 171-Cox, et al	HB 747-Witte
HB 919-Ruestman, et al	HCS for HBs 836 & 753
HCS for HB 306	HCS for HB 752
HB 861-Day	HCS for HB 947
HB 593-Viebrock	HCS for HB 895
HB 745-Loehner, et al	HB 683-Schieffer, et al
HB 918-Kelly	

### THIRD READING OF SENATE BILLS

1. SS for SCS for SB 167-Rupp (In Fiscal Oversight)

2. SS for SB 291-Shields (In Fiscal Oversight)

3. SS for SJR 3-Crowell
4. SS for SB 307-Dempsey
5. SS for SCS for SB 539-Schaefer  
(In Fiscal Oversight)
6. SCS for SB 216-Scott
7. SCS for SB 117-Green  
(In Fiscal Oversight)

8. SS for SCS for SB 141-Smith
9. SB 378-Nodler
10. SS for SCS for SB 406-Scott
11. SCS for SBs 207 & 245-Rupp  
(In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

SB 558-Mayer, et al, with SCS  
SJR 12-Scott, with SCS

SB 555-Lager, with SCS  
SB 228-Scott, et al, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

#### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

#### SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce and Smith, with SCS &  
SS#3 for SCS (pending)  
SB 57-Stouffer, with SCS  
SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for  
SCS (pending)  
SB 172-Green and Cunningham  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS (pending)

SB 236-Lembke  
SBs 261, 159, 180 & 181-Bartle and  
Goodman, with SCS & SS#3 for SCS  
(pending)  
SB 264-Mayer  
SB 267-Mayer and Green, with SA 1  
(pending)  
SB 284-Lembke, et al  
SB 321-Days, et al, with SCS (pending)  
SBs 335 & 16-Rupp, with SCS  
SB 363-Griesheimer, with SCS, SS for SCS  
and SA 2 (pending)  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)  
SB 527-Nodler and Bray

## RESOLUTIONS

## Reported from Committee

SR 141-Engler, with point of order  
(pending)

SCR 7-Pearce

SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)

SCR 11-Bartle, et al

SCR 14-Schmitt

SCR 21-Clemens

SCR 10-Rupp

SCR 18-Bartle and Rupp

SCR 23-Schmitt

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-SIXTH DAY—THURSDAY, APRIL 2, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let your patience show itself perfectly in what you do.” (James 1:4)

Lord, let us not miss the connection between understanding and patience. Whether here or at home let us learn to listen so that we know what is truly being said so we can respond out of patience, knowledge and love and not out of anger. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 726, regarding Kayla Lynn Kabbaz, Imperial, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 727, regarding Michelle Christine Hoeing,



St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 728, regarding Melissa Gail Flynn, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 729, regarding Ashley T. Hart, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 730, regarding Tiffany Michelle Jarvis, Hazelwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 731, regarding Rebecca Jolene Brehe, Washington, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 732, regarding Megan Marie Corbin, Marceline, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 733, regarding Stephanie Nicole Nye, Sullivan, which was adopted.

Senator Crowell offered Senate Resolution No. 734, regarding Phillis McLain, which was adopted.

Senator Crowell offered Senate Resolution No. 735, regarding Mary Ann Hoffman, which was adopted.

Senator Crowell offered Senate Resolution No. 736, regarding Randy Joe Barnhouse, which was adopted.

Senator Crowell offered Senate Resolution No. 737, regarding Donna Sanders, which was adopted.

Senator Smith offered Senate Resolution No. 738, regarding Kenneth R. Person, Saint Louis, which was adopted.

Senator Cunningham offered Senate Resolution No. 739, regarding Kehrs Mill Elementary School, Rockwood R-VI School District, which was adopted.

Senator Schaefer offered Senate Resolution No. 740, regarding the One Hundred Seventy-fifth Anniversary of Nashville Baptist Church, Ashland, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Lloyd Joseph Carmichael, as a member of the State Highway and Transportation Commission;

Also,

Rose Marie Carmichael and Brian H. May, as members of the Missouri Development Finance Board;

Also,

Don M. Downing, as a member of the University of Missouri Board of Curators;

Also,

Lisa A. Green, as a member of the Missouri State Board of Nursing;

Also,

Joseph G. McCulloch, as a member of the Saint Charles County Convention and Sports Facilities Authority;

Also,

Dennis H. Tesreau, as a member of the Mental Health Commission.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

### THIRD READING OF SENATE BILLS

**SS** for **SJR 3**, introduced by Senator Crowell, entitled:

#### SENATE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 3

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

Was taken up.

Senator Lager assumed the Chair.

On motion of Senator Crowell, **SS** for **SJR 3** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

#### NAYS—Senator Bray—1

#### Absent—Senator Justus—1

#### Absent with leave—Senators—None

#### Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Crowell, title to the joint resolution was agreed to.

Senator Crowell moved that the vote by which the joint resolution passed be reconsidered.



NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS** for **SB 307**, introduced by Senator Dempsey, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 307

An Act to amend chapter 190, RSMo, by adding thereto fifteen new sections relating to ambulance service reimbursement allowance tax, with penalty provisions and an expiration date.

Was taken up.

On motion of Senator Dempsey, **SS** for **SB 307** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Bartle—1

Absent—Senator Lembke—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 539**, introduced by Senator Schaefer, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 539

An Act to repeal sections 640.107, 640.150, 644.054, and 644.101, RSMo, and to enact in lieu thereof

six new sections relating to environmental protection, with an emergency clause.

Was taken up.

On motion of Senator Schaefer, **SS** for **SCS** for **SB 539** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 216**, introduced by Senator Scott, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 216

An Act to repeal section 425.010, RSMo, and to enact in lieu thereof six new sections relating to debt settlement providers.

Was taken up.

On motion of Senator Scott, **SCS** for **SB 216** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 117**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 117

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to school funding.

Was taken up by Senator Green.

On motion of Senator Green, **SCS** for **SB 117** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Green, title to the bill was agreed to.

Senator Green moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 141**, introduced by Senator Smith, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 141

An Act to repeal sections 210.826 and 210.828, RSMo, and to enact in lieu thereof three new sections relating to paternity determinations.

Was taken up.

On motion of Senator Smith, **SS for SCS for SB 141** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Smith, title to the bill was agreed to.

Senator Smith moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 378**, introduced by Senator Nodler, entitled:

An Act to repeal sections 208.437, 208.480, 338.535, 338.550, and 633.401, RSMo, and to enact in lieu thereof five new sections relating to certain provider taxes, with an emergency clause and an expiration date

for certain sections.

Was taken up.

On motion of Senator Nodler, **SB 378** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 406**, introduced by Senator Scott, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 406

An Act to repeal sections 195.070, 195.100, 334.104, and 334.735, RSMo, and to enact in lieu thereof



five new sections relating to prescription authority for certain healthcare professions.

Was taken up.

On motion of Senator Scott, **SS** for **SCS** for **SB 406** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Cunningham—1

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

President Pro Tem Shields assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 572**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 123**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 549**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 538**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 71**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 542**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 254**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Veterans' Affairs, Pensions and Urban Affairs, submitted the following report:

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 383**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 453** and **SB 24**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 495**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 376**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 299**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 306**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 205**, entitled:

An Act to amend chapter 320, RSMo, by adding thereto nine new sections relating to reduced ignition propensity cigarettes, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 116**, entitled:

An Act to repeal sections 565.081, 565.082, 565.083, and 565.084, RSMo, and to enact in lieu thereof four new sections relating to assault of a law enforcement officer, emergency personnel, probation and parole officer, transit operator, or an employee of mass transit systems while on duty or in operation of their official vehicle, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 381**, entitled:

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to fee agent offices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Callahan assumed the Chair.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 238**—Judiciary and Civil and Criminal Jurisprudence.

**HB 255**—General Laws.

**HB 482**—Judiciary and Civil and Criminal Jurisprudence.

**HB 802**—Governmental Accountability and Fiscal Oversight.

**HCS for HBs 128 and 340**—General Laws.

**HCS for HB 237**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 272**—Health, Mental Health, Seniors and Families.

**HCS for HB 214**—Veterans' Affairs, Pensions and Urban Affairs.

**HCS for HB 397**—Veterans' Affairs, Pensions and Urban Affairs.

**HB 546**—Judiciary and Civil and Criminal Jurisprudence.

**HB 709**—Financial and Governmental Organizations and Elections.

**HCS for HB 667**—Jobs, Economic Development and Local Government.

**HB 859**—Jobs, Economic Development and Local Government.

**HCS for HB 914**—Financial and Governmental Organizations and Elections.

**HB 928**—Transportation.

**HCS for HB 177**—Judiciary and Civil and Criminal Jurisprudence.

**HB 171**—General Laws.

**HB 919**—Small Business, Insurance and Industry.

**HCS for HB 306**—Jobs, Economic Development and Local Government.

**HB 861**—Veterans' Affairs, Pensions and Urban Affairs.

**HB 593**—Veterans' Affairs, Pensions and Urban Affairs.

**HB 745**—Financial and Governmental Organizations and Elections.

**HB 918**—General Laws.

**HCS for HB 485**—Financial and Governmental Organizations and Elections.

**HCS for HB 685**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 273**—Financial and Governmental Organizations and Elections.

**HCS for HB 736**—Commerce, Consumer Protection, Energy and the Environment.

**HB 866**—Judiciary and Civil and Criminal Jurisprudence.

**HB 867**—Transportation.

**HB 659**—Education.

**HCS for HB 525**—Health, Mental Health, Seniors and Families.

**HB 826**—Judiciary and Civil and Criminal Jurisprudence.

**HB 807**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 844**—General Laws.

**HB 103**—Jobs, Economic Development and Local Government.

**HCS for HB 294**—Judiciary and Civil and Criminal Jurisprudence.

**HB 698**—General Laws.

**HB 842**—Financial and Governmental Organizations and Elections.

**HCS for HB 89**—Transportation.

**HB 747**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HBs 836 and 753**—Financial and Governmental Organizations and Elections.

**HCS for HB 752**—Transportation.

**HCS for HB 947**—Veterans' Affairs, Pensions and Urban Affairs.

**HCS for HB 895**—General Laws.

**HB 683**—Transportation.

### **RESOLUTIONS**

Senator Engler offered Senate Resolution No. 741, regarding Sandra K. Smith, which was adopted.

Senator Engler offered Senate Resolution No. 742, regarding Rebecca Jenkins, which was adopted.

Senator Days offered Senate Resolution No. 743, regarding Express Scripts, Incorporated, Saint Louis, which was adopted.

### **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

April 1, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Missouri Senate Healthy Missourians 2020 Committee**

Dear Ms. Spieler,

Pursuant to SR303, I am appointing Senator Wes Shoemyer to the Missouri Senate Healthy Missourians 2020 Committee.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

### **INTRODUCTIONS OF GUESTS**

Senator Vogel introduced to the Senate, Grant Bryan, Jefferson City; and Grant was made an honorary page.

Senator Engler introduced to the Senate, the Physician of the Day, Dr. Gregory K. Teprstra, D.O., Potosi.

Senator Dempsey introduced to the Senate, Mimi Schweikert, Betty Gutierrez and Brenda Youngs,

St. Charles County.

Senator Green introduced to the Senate, Roseanne Martz, parents and eleven seventh grade students from Salem Lutheran School, Florissant.

Senator Vogel introduced to the Senate, CDR Dale F. Green, USN, Officer in Charge, PCU Missouri, and his wife Deborah; Lt. Justin R. Hardy, USN, Assistant Weapons Officer, PCU Missouri; and CMDPCM(SS)Reginald “Chevy” Brown, USN, Chief of the Boat, PCU Missouri.

Senator Bray introduced to the Senate, Jorge Riopedre, President and Hispanic leaders, members and friends of the Hispanic Chamber of Commerce of Metro St. Louis.

Senator Barnitz introduced to the Senate, teachers, parents and fifty third and fourth grade students from St. George School, Hermann.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, April 6, 2009.

## SENATE CALENDAR

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FORTY-SEVENTH DAY—MONDAY, APRIL 6, 2009

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 205  
HB 116-Hoskins

HCS for HB 381

### THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp  
(In Fiscal Oversight)  
SCS for SBs 207 & 245-Rupp  
(In Fiscal Oversight)

SS for SCS for SB 306-Dempsey

### SENATE BILLS FOR PERFECTION

1. SB 558-Mayer, et al, with SCS
2. SJR 12-Scott, with SCS
3. SB 555-Lager, with SCS
4. SB 228-Scott, et al, with SCS
5. SB 572-Dempsey and Justus
6. SB 123-Griesheimer, with SCS
7. SB 549-Schmitt, with SCS
8. SB 538-Champion, with SCS

9. SB 71-Stouffer, with SCS
10. SB 542-Pearce, with SCS
11. SB 254-Barnitz and Shoemyer
12. SB 383-Dempsey, with SCS
13. SBs 453 & 24-Mayer, with SCS
14. SB 495-Griesheimer, with SCS
15. SB 376-Lager and Callahan, with SCS
16. SB 299-Griesheimer, with SCS

## HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

## SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 & 288-Pearce  
and Smith, with SCS & SS#3 for SCS  
(pending)  
SB 57-Stouffer, with SCS  
SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for SCS  
(pending)  
SB 172-Green and Cunningham  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS (pending)

SB 236-Lembke  
SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS & SS#3 for SCS (pending)  
SB 264-Mayer  
SB 267-Mayer and Green, with SA 1 (pending)  
SB 284-Lembke, et al  
SB 321-Days, et al, with SCS (pending)  
SBs 335 & 16-Rupp, with SCS  
SB 363-Griesheimer, with SCS, SS for SCS  
and SA 2 (pending)  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)  
SB 527-Nodler and Bray

## RESOLUTIONS

## Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS &  
SS for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-SEVENTH DAY—MONDAY, APRIL 6, 2009**

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The Senate met pursuant to adjournment.

Senator Lager in the Chair.

Reverend Carl Gauck offered the following prayer:

“The world is new to us every morning—this is the Holy One's gift and every person should believe he is reborn each day.” (Baal Shem Tov)

Merciful Father, we are grateful that we have this new day to give You thanks for all we receive from Your gracious hand. Help us this week to be about all You would have us do and guide our steps to that end. We are thankful for Your mercy and grace and ask that You be present and comfort Jim Howerton and his family at the death of his father. Walk with them through this time of grief and stand with them in their sorrow. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 2, 2009 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Crowell offered Senate Resolution No. 744, regarding Mr. and Mrs. Jay Kaplan, which was adopted.



Senator Wright-Jones offered Senate Resolution No. 745, regarding Amber Boykins, Saint Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 746, regarding Clearview Elementary School, Washington School District, which was adopted.

Senator Rupp offered Senate Resolution No. 747, regarding Patrick Hennessy, which was adopted.

Senator Justus offered Senate Resolution No. 748, regarding the Twentieth Anniversary of Garozzo's Ristorante, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 749, regarding Albert "Mick" Paulus, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 750, regarding the One Hundred Third Birthday of Mildred Lydia Eifert Uelsmann, Cape Girardeau, which was adopted.

Senator Barnitz offered Senate Resolution No. 751, regarding Kay McMurtrey, Edgar Springs, which was adopted.

Senator Shields offered Senate Resolution No. 752, regarding Officer Timothy L. Kehm, which was adopted.

Senator Days offered Senate Resolution No. 753, regarding Chief Joe D. Collins, Beverly Hills, which was adopted.

Senator Engler offered Senate Resolution No. 754, regarding Louise McDonough, which was adopted.

Senator Smith offered Senate Resolution No. 755, regarding Stephen F. Meyerkord, Sunset Hills, which was adopted.

Senator Dempsey offered Senate Resolution No. 756, regarding Johnathon Pipitone, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 757, regarding Jani Wilkins, which was adopted.

Senator Dempsey offered Senate Resolution No. 758, regarding Sara Martens, which was adopted.

Senator Dempsey offered Senate Resolution No. 759, regarding Lindsay LaMarche, which was adopted.

Senator Dempsey offered Senate Resolution No. 760, regarding Karen Hessel, which was adopted.

Senator Dempsey offered Senate Resolution No. 761, regarding Lindsey Scheller, which was adopted.

### **SENATE BILLS FOR PERFECTION**

Senator Mayer moved that **SB 558**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 558**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 558**

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof two new sections relating to higher education scholarships.

Was taken up.

Senator Mayer moved that **SCS** for **SB 558** be adopted.

Senator Mayer offered **SS** for **SCS** for **SB 558**:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 558

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof two new sections relating to higher education scholarships for qualified recipients under the A+ schools program.

Senator Mayer moved that **SS** for **SCS** for **SB 558** be adopted.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 558, Page 1, In the Title, Lines 4-5, by striking all of said lines from the bill and inserting in lieu thereof the following: “scholarships.”; and

Further amend said bill, page 13, section 173.268, line 8, by inserting after all of said line the following:

“173.1105. 1. [Beginning with the 2007-08 academic year,] An applicant who is an undergraduate postsecondary student at an approved private or public institution and who meets the other eligibility criteria shall be eligible for financial assistance, with a minimum and maximum award amount as follows:

**(1) For academic years 2009-2010, 2010-2011, 2011-2012, and 2012-2013:**

**(a) One thousand dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector;**

**[(2)] (b) Two thousand one hundred fifty dollars maximum and one thousand dollars minimum for students attending institutions classified as part of the public four-year sector, including Linn State Technical College; and**

**[(3)] (c) Four thousand six hundred dollars maximum and two thousand dollars minimum for students attending approved private institutions.**

**(2) For the 2013-14 academic year and subsequent years:**

**(a) One thousand dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector; and**

**(b) Two thousand eight hundred fifty dollars maximum and one thousand five hundred dollars minimum for students attending institutions classified as part of the public four-year sector, including Linn State Technical College, or approved private institutions.**

2. All students with an expected family contribution of twelve thousand dollars or less shall receive at least the minimum award amount for his or her institution. Maximum award amounts for an eligible student with an expected family contribution above seven thousand dollars shall be reduced by ten percent of the maximum expected family contribution for his or her increment group. Any award amount shall be reduced by the amount of a student's [reimbursement pursuant to section 160.545, RSMo] **payment from the A+ schools program or its successor**. For purposes of this subsection, the term “increment group” shall mean a group organized by expected family contribution in five hundred dollar increments into which all eligible

students shall be placed.

3. If appropriated funds are insufficient to fund the program as described, the maximum award shall be reduced across all sectors by the percentage of the shortfall. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used to increase the number of recipients by raising the cutoff for the expected family contribution rather than by increasing the size of the award.

4. Every three years, beginning with academic year 2009-10, the award amount may be adjusted to increase no more than the Consumer Price Index for All Urban Consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, for the previous academic year. The coordinating board shall prepare a report prior to the legislative session for use of the general assembly and the governor in determining budget requests which shall include the amount of funds necessary to maintain full funding of the program based on the baseline established for the program upon the passage of sections 173.1101 to 173.1107. Any increase in the award amount shall not become effective unless an increase in the amount of money appropriated to the program necessary to cover the increase in award amount is passed by the general assembly.”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted.

Senator Cunningham raised the point of order that **SA 1** is out of order as it goes beyond the title of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

**SA 1** was again taken up.

Senator Crowell offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 558, Page 3, Section 173.1105, Line 16, by inserting after said line the following:

**“5. For an eligible student who cannot attend an approved institution as a result of military service in any branch of the armed forces of the United States, if the student returns to full-time status within six months after the eligible student first ceases service to the armed forces and provides verification to the coordinating board for higher education that the military service was satisfactorily completed, then the student shall be eligible for a scholarship at the amount in effect at the time the student began military service in the armed forces of the United States.”.**

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Schaefer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Barnitz, Shoemyer and Pearce.

**SA 1**, as amended, failed of adoption by the following vote:

YEAS—Senators

Barnitz

Bray

Callahan

Champion

Green

Lager

McKenna

Nodler

Pearce            Schaefer            Shoemyer            Vogel            Wilson            Wright-Jones—14

NAYS—Senators

Bartle            Clemens            Crowell            Cunningham            Dempsey            Engler            Goodman            Griesheimer  
Lembke            Mayer            Ridgeway            Rupp            Schmitt            Scott            Shields            Stouffer—16

Absent—Senators

Justus            Smith—2

Absent with leave—Senators

Days            Purgason—2

Vacancies—None

Senator Stouffer offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 558, Page 6, Section 160.545, Line 16 of said page, by inserting after said line the following:

**“(3) Have performed at least fifty hours of unpaid tutoring or mentoring;”**; and further amend the remaining subdivisions accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 558, Page 1, In the Title, Lines 4-5 of said title, by striking said lines and inserting in lieu thereof the following: “scholarships.”; and

Further amend said bill, Page 9, Section 160.545, Line 26 of said page, by inserting after all of said line the following:

“173.250. 1. There is hereby established a “Higher Education Academic Scholarship Program” and any moneys appropriated by the general assembly for this program shall be used to provide scholarships for Missouri citizens to attend a Missouri college or university of their choice pursuant to the provisions of this section.

2. The definitions of terms set forth in section [173.205] **173.1102** shall be applicable to such terms as used in this section. [The term “academic scholarship” means an amount of money paid by the state of Missouri to a qualified college or university student who has demonstrated superior academic achievement pursuant to the provisions of this section.] **In addition, the following definitions shall apply:**

(1) **“Academic scholarship”, an amount of money paid by the state of Missouri to a student pursuant to the provisions of this section;**

(2) **“ACT”, the American College Testing Program examination;**

(3) **“Approved institution”, an approved public or approved private institution as defined in section 173.1102;**

**(4) “Eligible student”, an individual who meets the criteria set forth in section 173.1104, excluding the requirements of financial need and undergraduate status, and in addition, meets the following requirements:**

**(a) Has achieved a qualifying score on the ACT or SAT;**

**(b) Is a Missouri resident who has completed secondary coursework through graduation from high school, receipt of a general education development diploma (GED), or completion of a program of study through homeschooling; and**

**(c) Is enrolled full-time or accepted for full-time enrollment as a postsecondary student at an approved institution during the academic year immediately following the completion of his or her secondary coursework;**

**(5) “Missouri test-takers”, all Missouri high school seniors who take the ACT or the SAT;**

**(6) “Qualifying score”, a composite score on the ACT or the SAT achieved as a high school sophomore, junior, or senior, that is in the top three percent of Missouri test-takers for fiscal years prior to 2011, and five percent of Missouri test-takers for fiscal year 2011 and each fiscal year thereafter, as established at the beginning of an eligible student’s final year of secondary coursework;**

**(7) “Recipient”, an eligible or renewal student who receives an academic scholarship pursuant to this section;**

**(8) “Renewal student”, an eligible student who remains in compliance with the provisions of section 173.1104, maintains continuous enrollment, and makes satisfactory academic degree progress;**

**(9) “SAT”, the Scholastic Aptitude Test.**

3. The coordinating board for higher education shall be the administrative agency for the implementation of the program established by this section, and shall:

(1) Promulgate reasonable rules and regulations for the exercise of its functions and the effectuation of the purposes of this section, including regulations for granting scholarship deferments;

(2) Prescribe the form and the time and method of awarding academic scholarships, and shall supervise the processing thereof; and

(3) Select qualified recipients to receive academic scholarships, make such awards of academic scholarships to qualified recipients and determine the manner and method of payment to the recipient.

4. [A student shall be eligible for initial or renewed academic scholarship if he or she is in compliance with the eligibility requirements set forth in section 173.215 excluding the requirement of financial need and undergraduate status, and in addition meets the following requirements:

(1) Initial academic scholarships shall be offered in the academic year immediately following graduation from high school to Missouri high school seniors whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are in the top five percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school. In the freshman year of college, scholarship recipients are required to maintain status as a full-time student;

(2) Academic scholarships are renewable if the recipient remains in compliance with the applicable

provisions of section 173.215 and the recipient makes satisfactory academic degree progress as a full-time student.

5. A student who is enrolled or has been accepted for enrollment as a postsecondary student at an approved private or public institution beginning with the fall 1987, term and who meets the other eligibility requirements for an academic scholarship shall, within the limits of the funds appropriated and made available, be offered an academic scholarship in the amount of two thousand dollars for each eligible student whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are in the top three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school for each fiscal year prior to fiscal year 2011, and, subject to appropriations, three thousand dollars for fiscal year 2011 and every fiscal year thereafter, and one thousand dollars for fiscal year 2011 and every fiscal year thereafter for each eligible student whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are between the top five and three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school, for the first academic year of study, which scholarship shall be renewable in the amount of two thousand dollars for each eligible student whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are in the top three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school for each fiscal year prior to fiscal year 2011, and, subject to appropriations, three thousand dollars for fiscal year 2011 and every fiscal year thereafter, and one thousand dollars for fiscal year 2011 and every fiscal year thereafter for each eligible student whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are between the top five and three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school, annually for the second, third and fourth academic years or as long as the recipient is in compliance with the applicable eligibility requirements set forth in section 173.215, provided those years of study are continuous and the student continues to meet eligibility requirements for the scholarship; provided, however, if a recipient ceases all attendance at an approved public or private institution for the purpose of providing service to a nonprofit organization, a state or federal government agency or any branch of the armed forces of the United States, the recipient shall be eligible for a renewal scholarship upon return to any approved public or private institution, provided the recipient:

(1) Returns to full-time status within twenty-seven months;

(2) Provides verification in compliance with coordinating board for higher education rules that the service to the nonprofit organization was satisfactorily completed and was not compensated other than for expenses or that the service to the state or federal governmental agency or branch of the armed forces of the United States was satisfactorily completed; and

(3) Meets all other requirements established for eligibility to receive a renewal scholarship.

**6.] Eligible students shall be offered academic scholarships in the following amounts, within the limits of the funds appropriated and made available:**

**(1) During each fiscal year prior to fiscal year 2011, each eligible student with a qualifying score in the top three percent of all Missouri test-takers shall be offered an academic scholarship in the amount of two thousand dollars per year;**

**(2) During fiscal year 2011 and each fiscal year thereafter:**

(a) Each eligible student with a qualifying score in the top three percent of all Missouri test-takers shall be offered an academic scholarship in the amount of three thousand dollars per year; and

(b) Each eligible student with a qualifying score in the top five percent shall be offered an academic scholarship in the amount of one thousand dollars per year;

(3) Eligible students may renew academic scholarships for their second, third, and fourth years of postsecondary education, or as long as the recipient is in compliance with the criteria to be a renewal student;

(4) If an eligible student is unable to enroll during the first academic year or a renewal student ceases attendance at an approved institution for the purpose of providing service to a nonprofit organization, a state or federal government agency, or any branch of the armed forces of the United States, such student shall be offered an academic scholarship upon enrollment in any approved institution after the completion of their service, if the student meets all other requirements for an initial or renewal award and if the following criteria are met:

(a) For an eligible student who cannot attend an approved institution as a result of service to a non-profit organization or the state or federal government, the student returns to full-time status within twenty-seven months and provides verification to the coordinating board for higher education that the service to the nonprofit organization was satisfactorily completed and was not compensated other than for expenses, or that the service to the state or federal government was satisfactorily completed; or

(b) For an eligible student who cannot attend an approved institution as a result of military service in the armed forces of the United States, the student returns to full-time status within six months after the eligible student first ceases service to the armed forces and provides verification to the coordinating board for higher education that the military service was satisfactorily completed.

5. A recipient of **an** academic scholarship awarded under this section may transfer from one approved [Missouri public or private] institution to another without losing eligibility for the **academic** scholarship.

6. If a recipient of [the] **an academic** scholarship at any time withdraws from an approved [private or public] institution so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees or other charges, the institution shall pay the portion of the refund attributable to the **academic** scholarship for that term to the coordinating board for higher education.

7. Other provisions of this section to the contrary notwithstanding, if [a recipient] **an eligible student** has been awarded an initial academic scholarship pursuant to the provisions of this section but is unable to [use the scholarship] **attend an approved institution** during the first academic year because of illness, disability, pregnancy or other medical need or if a [recipient] **renewal student** ceases all attendance at an approved [public or private] institution because of illness, disability, pregnancy or other medical need, the recipient shall be eligible for an initial or renewal **academic** scholarship upon enrollment in or return to any approved [public or private] institution, provided the recipient:

(1) Enrolls in or returns to full-time status within twenty-seven months;

(2) Provides verification in compliance with coordinating board for higher education rules of sufficient medical evidence documenting an illness, disability, pregnancy or other medical need of such person to require that that person will not be able to use the [initial or renewal] **academic** scholarship during the time

period for which it was originally offered; and

(3) Meets all other requirements established for eligibility to receive an [initial or a renewal] **academic scholarship.**”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Mayer moved that **SS** for **SCS** for **SB 558**, as amended, be adopted, which motion prevailed.

On motion of Senator Mayer, **SS** for **SCS** for **SB 558**, as amended, was declared perfected and ordered printed.

Senator Scott moved that **SJR 12**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SJR 12**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 12

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to religious freedom.

Was taken up.

Senator Scott moved that **SCS** for **SJR 12** be adopted.

At the request of Senator Scott, **SJR 12**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Stouffer moved that **SB 57**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 57**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 57

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to billboards.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 57** be adopted.

President Kinder assumed the Chair.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 57, Page 1, Section A, Line 2, by inserting after all of said line the following:

“226.540. Notwithstanding any other provisions of sections 226.500 to 226.600, outdoor advertising shall be permitted within six hundred and sixty feet of the nearest edge of the right-of-way of highways located on the interstate, federal-aid primary system as it existed on June 1, 1991, or the national highway system as amended in areas zoned industrial, commercial or the like and in unzoned commercial and



industrial areas as defined in this section, subject to the following regulations which are consistent with customary use in this state:

(1) Lighting:

(a) No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or lights, **nor tri-vision, projection, digital, or other changeable copy technology** will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date, or temperature, or similar information, will be allowed; [tri-vision, projection, and other changeable message signs shall be allowed subject to Missouri highways and transportation commission regulations;]

(b) External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the federal-aid primary highways as of June 1, 1991, and all highways designated as part of the National Highway System by the National Highway System Designation Act of 1995 and those highways subsequently designated as part of the National Highway System and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle;

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal;

(2) Size of signs:

(a) The maximum area for any one sign shall be eight hundred square feet with a maximum height of thirty feet and a maximum length of seventy-two feet, inclusive of border and trim but excluding the base or apron, supports, and other structural members. The area shall be measured as established herein and in rules promulgated by the commission. In determining the size of a conforming or nonconforming sign structure, temporary cutouts and extensions installed for the length of a specific display contract shall not be considered a substantial increase to the size of the permanent display; provided the actual square footage of such temporary cutouts or extensions may not exceed thirty-three percent of the permanent display area. Signs erected in accordance with the provisions of sections 226.500 to 226.600 prior to August 28, 2002, which fail to meet the requirements of this provision shall be deemed legally nonconforming as defined herein;

(b) The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, double faced, or in V-type construction with not more than two displays to each facing, but such sign structure shall be considered as one sign;

(c) After August 28, 1999, no new sign structure shall be erected in which two or more displays are stacked one above the other. Stacked structures existing on or before August 28, 1999, in accordance with sections 226.500 to 226.600 shall be deemed legally nonconforming and may be maintained in accordance with the provisions of sections 226.500 to 226.600. Structures displaying more than one display on a horizontal basis shall be allowed, provided that total display areas do not exceed the maximum allowed square footage for a sign structure pursuant to the provisions of paragraph (a) of this subdivision;

(3) Spacing of signs:

(a) On all interstate highways, freeways, and nonfreeway federal-aid primary highways as of June 1,

1991, and all highways designated as part of the National Highway System by the National Highway System Designation Act of 1995 and those highways subsequently designated as part of the National Highway System:

a. No sign structure shall be erected within one thousand four hundred feet of an existing sign on the same side of the highway;

b. Outside of incorporated municipalities, no structure may be located adjacent to or within five hundred feet of an interchange, intersection at grade, or safety rest area. Such five hundred feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way. For purpose of this subparagraph, the term “incorporated municipalities” shall include “urban areas”, except that such “urban areas” shall not be considered “incorporated municipalities” if it is finally determined that such would have the effect of making Missouri be in noncompliance with the requirements of Title 23, United States Code, Section 131;

(b) The spacing between structure provisions of this subdivision do not apply to signs which are separated by buildings, natural surroundings, or other obstructions in such manner that only one sign facing located within such distance is visible at any one time. Directional or other official signs or those advertising the sale or lease of the property on which they are located, or those which advertise activities on the property on which they are located, including products sold, shall not be counted, nor shall measurements be made from them for the purpose of compliance with spacing provisions;

(c) No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic;

(d) The measurements in this section shall be the minimum distances between outdoor advertising sign structures measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to outdoor advertising sign structures located on the same side of the highway involved;

(4) As used in this section, the words “unzoned commercial and industrial land” shall be defined as follows: that area not zoned by state or local law or ordinance and on which there is located one or more permanent structures used for a commercial business or industrial activity or on which a commercial or industrial activity is actually conducted together with the area along the highway extending outwardly seven hundred fifty feet from and beyond the edge of such activity. All measurements shall be from the outer edges of the regularly used improvements, buildings, parking lots, landscaped, storage or processing areas of the commercial or industrial activity and along and parallel to the edge of the pavement of the highway. Unzoned land shall not include:

(a) Land on the opposite side of the highway from an unzoned commercial or industrial area as defined in this section and located adjacent to highways located on the interstate, federal-aid primary system as it existed on June 1, 1991, or the national highway system as amended, unless the opposite side of the highway qualifies as a separate unzoned commercial or industrial area; or

(b) Land zoned by a state or local law, regulation, or ordinance;

(5) “Commercial or industrial activities” as used in this section means those which are generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following shall be considered commercial or industrial:

- (a) Outdoor advertising structures;
- (b) Agricultural, forestry, ranching, grazing, farming, and related activities, including seasonal roadside fresh produce stands;
- (c) Transient or temporary activities;
- (d) Activities more than six hundred sixty feet from the nearest edge of the right-of-way or not visible from the main traveled way;
- (e) Activities conducted in a building principally used as a residence;
- (f) Railroad tracks and minor sidings;

(6) The words “unzoned commercial or industrial land” shall also include all areas not specified in this section which constitute an “unzoned commercial or industrial area” within the meaning of the present Section 131 of Title 23 of the United States Code, or as such statute may be amended. As used in this section, the words “zoned commercial or industrial area” shall refer to those areas zoned commercial or industrial by the duly constituted zoning authority of a municipality, county, or other lawfully established political subdivision of the state, or by the state and which is within seven hundred fifty feet of one or more permanent commercial or industrial activities. Commercial or industrial activities as used in this section are limited to those activities:

- (a) In which the primary use of the property is commercial or industrial in nature;
- (b) Which are clearly visible from the highway and recognizable as a commercial business;
- (c) Which are permanent as opposed to temporary or transitory and of a nature that would customarily be restricted to commercial or industrial zoning in areas comprehensively zoned; and

(d) In determining whether the primary use of the property is commercial or industrial pursuant to paragraph (a) of this subdivision, the state highways and transportation commission shall consider the following factors:

- a. The presence of a permanent and substantial building;
- b. The existence of utilities and local business licenses, if any, for the commercial activity;
- c. On-premise signs or other identification;
- d. The presence of an owner or employee on the premises for at least twenty hours per week;

(7) In zoned commercial and industrial areas, whenever a state, county or municipal zoning authority has adopted laws or ordinances which include regulations with respect to the size, lighting and spacing of signs, which regulations are consistent with the intent of sections 226.500 to 226.600 and with customary use, then from and after the effective date of such regulations, and so long as they shall continue in effect, the provisions of this section shall not apply to the erection of signs in such areas. Notwithstanding any other provisions of this section, after August 28, 1992, with respect to any outdoor advertising which is regulated by the provisions of subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527:

- (a) No county or municipality shall issue a permit to allow a regulated sign to be newly erected without a permit issued by the state highways and transportation commission;
- (b) A county or municipality may charge a reasonable one-time permit or inspection fee to assure

compliance with local wind load and electrical requirements when the sign is first erected, but a county or municipality may not charge a permit or inspection fee for such sign after such initial fee. Changing the display face or performing routine maintenance shall not be considered as erecting a new sign;

(8) The state highways and transportation commission on behalf of the state of Missouri, may seek agreement with the Secretary of Transportation of the United States under Section 131 of Title 23, United States Code, as amended, that sections 226.500 to 226.600 are in conformance with that Section 131 and provides effective control of outdoor advertising signs as set forth therein. If such agreement cannot be reached and the penalties under subsection (b) of Section 131 are invoked, the attorney general of this state shall institute proceedings described in subsection (1) of that Section 131.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Stouffer, **SB 57**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Goodman moved that **SB 223** and **SB 226**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SBs 223** and **226** was again taken up.

Senator Rupp assumed the Chair.

Senator Callahan offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 223 and 226, Page 9, Section 573.540, Line 5, by inserting immediately after all of said section the following “**Section 1. 1. As used in this section, the term “director” shall mean the director of public safety or his designee.**

**2. (1) It shall be unlawful for any person to operate or maintain a sexually oriented business unless the owner, operator or lessee thereof has obtained from the Director a license to do so, to be designated a “sexually oriented business license”, or to operate the business after the license has been revoked or while the license is suspended.**

**(2) It shall be unlawful for any employee or operator as defined in section 573.528 to knowingly perform any service or entertainment directly related to the operation of an unlicensed sexually oriented business.**

**(3) It shall be prima facie evidence that any sexually oriented business that fails to have prominently posted a sexually oriented business license required by this Chapter has not obtained a license. It shall be prima facie evidence that any employee or operator who performs any service or entertainment in a sexually oriented business in which a license is not posted in the manner required by this Chapter had knowledge that the business was not licensed.**

**3. (1) It shall be unlawful for any person to work as an employee at a sexually oriented business or as an operator at any sexually oriented business without having first obtained from the director a permit to do so, to be designated as a “sexually oriented business employee’s permit,” or a “sexually oriented business operator’s permit,” respectively, or to work as an employee or operator at such business after such person’s permit has been revoked or while such person’s permit is suspended.**

(2) It shall be unlawful for any person not holding a valid sexually oriented business employee's permit issued to that person under this chapter to display, expose or depict specified anatomical areas in a sexually oriented business or premises, except while lawfully discharging urine or feces in a bathroom or restroom meeting the building code of the political subdivision in which the sexually oriented business is located.

(3) Before an application for receipt or renewal of any sexually oriented business employee's permit or any sexually oriented business operator's permit is approved, the applicant shall provide to the director in a manner determined by the director a sample for testing to ensure that the applicant does not have any sexually transmitted disease. If a sample tested indicates the presence of a sexually transmitted disease, the application shall be denied.

4. (1) The license or permit year for all fees required for a sexually oriented business license or permit shall be from each January 1 through December 31. The application for a license or permit shall be accompanied by payment in full of the fee stated in this section, by cash, certified or cashier's check or money order, and no application shall be considered complete until the fee is paid. The fee shall not be refunded under any circumstances. The fees shall not be prorated.

(2) The amounts of fees for licenses and permits shall be as follows:

(a) For each sexually oriented business, ten-thousand dollars.

(b) For each operator permit, one-thousand dollars.

(c) For each employee permit, five-hundred dollars.

5. (1) The Director shall identify each operator of sexually oriented businesses requiring a license under this section. No later than thirty (30) days after the effective date of section, the Director shall notify each such operator of the enactment of this section, and shall furnish a copy of the section to each owner or operator.

(2) Any sexually oriented business and any operator or employee of a sexually oriented business shall have obtained the license or permit required under this section within ninety days of the effective date of this section.

(3) Any sexually oriented business and any operator or employee of a sexually oriented business who has not obtained a required license or permit shall be guilty of a class D felony. Any sexually oriented business that is convicted, pleads guilty or pleads nolo contendere under this section shall pay a minimum fine of twenty-thousand dollars. Any employee or operator who is convicted, pleads guilty or pleads nolo contendere under this section shall pay a minimum fine of five-thousand dollars. No court shall suspend the imposition of minimum fines under this section.

(4) The Director shall investigate the application from any sexually oriented business, operator or employee. If the applicant has not previously been convicted, pleaded guilty or nolo contendere under this section and meets all other legal requirements, the Director may approve such application.

6. The director of the department may promulgate rules and regulations for the administration of this section.

7. No rule or portion of a rule promulgated under the authority of this chapter shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided herein, and the delegation of the legislative authority to enact law by the

**adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided herein.”;**

And further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Goodman, **SB 233** and **SB 226**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Green moved that **SB 172** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Green offered **SS** for **SB 172**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 172

An Act to amend chapter 204, RSMo, by adding thereto one new section relating to storm water management charges.

Senator Green moved that **SS** for **SB 172** be adopted, which motion prevailed.

On motion of Senator Green, **SS** for **SB 172** was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 558**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

April 02, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James K. Reinhard, Democrat, 118 West Locust, Paris, Monroe County, Missouri 65275, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 01, 2014, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

Jefferson City

65102

April 03, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Scott W. Hovis, Democrat, 1627 Paddlewheel Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Tourism Commission, for a term ending January 15, 2013 and until his successor is duly appointed and qualified; vice, James Divincen, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 622**, entitled:

An Act to repeal section 566.226, RSMo, and to enact in lieu thereof one new section relating to redaction of identifying information in court records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 922**, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to allergy prevention and response in schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 652**, entitled:

An Act to repeal section 1.020, RSMo, and to enact in lieu thereof one new section relating to the definition of certified mail.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 481**, entitled:

An Act to repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to the exclusion of punitive and exemplary damages in certain claims against public entities or their officers or employees in certain circumstances.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 681**, entitled:

An Act to repeal sections 28.190, 29.280, 30.060, 30.070, 30.080, 105.030, 105.040, and 105.050, RSMo, and to enact in lieu thereof nine new sections relating to vacancies in certain statewide offices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **RESOLUTIONS**

Senator Schmitt offered Senate Resolution No. 762, regarding Dale M. Weppner, St. Louis, which was adopted.

## **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

April 6, 2009

The Honorable Charlie Shields  
President Pro-Tem-Missouri Senate  
State Capitol  
Jefferson City, MO 65101

Dear Sen. Shields,

I hereby tender my resignation from the Southern States Energy Board effective as of April 6, 2009.

I believe Sen. Kurt Schaefer would be a good candidate to fill this position.

Thank you.

Sincerely,  
/s/ Kevin Engler  
Kevin Engler

On motion of Senator Engler, the Senate adjourned under the rules.



## SENATE CALENDAR

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FORTY-EIGHTH DAY—TUESDAY, APRIL 7, 2009

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## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCS for HB 205  
 HB 116-Hoskins  
 HCS for HB 381  
 HCS for HB 622

HB 922-Smith (14), et al  
 HB 652-Pratt  
 HCS for HB 481  
 HCS for HB 681

## THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp  
 (In Fiscal Oversight)  
 SCS for SBs 207 & 245-Rupp  
 (In Fiscal Oversight)

SS for SCS for SB 306-Dempsey  
 SS for SCS for SB 558-Mayer

## SENATE BILLS FOR PERFECTION

1. SB 555-Lager, with SCS
2. SB 228-Scott, et al, with SCS
3. SB 572-Dempsey and Justus
4. SB 123-Griesheimer, with SCS
5. SB 549-Schmitt, with SCS
6. SB 538-Champion, with SCS
7. SB 71-Stouffer, with SCS

8. SB 542-Pearce, with SCS
9. SB 254-Barnitz and Shoemyer
10. SB 383-Dempsey, with SCS
11. SBs 453 & 24-Mayer, with SCS
12. SB 495-Griesheimer, with SCS
13. SB 376-Lager and Callahan, with SCS
14. SB 299-Griesheimer, with SCS

## HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
 (Griesheimer) (In Fiscal Oversight)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)	SB 236-Lembke
SB 18-Bray, et al, with SCS & SS for SCS (pending)	SBs 261, 159, 180 & 181-Bartle and Goodman, with SCS & SS#3 for SCS (pending)
SB 29-Stouffer	SB 264-Mayer
SBs 45, 212, 136, 278, 279, 285 & 288-Pearce and Smith, with SCS & SS#3 for SCS (pending)	SB 267-Mayer and Green, with SA 1 (pending)
SB 57-Stouffer, with SCS & SA 1 (pending)	SB 284-Lembke, et al
SB 72-Stouffer, with SCS	SB 321-Days, et al, with SCS (pending)
SB 94-Justus, et al, with SCS & SS for SCS (pending)	SBs 335 & 16-Rupp, with SCS
SB 174-Griesheimer and Goodman, with SCS, SS#2 for SCS & SA 2 (pending)	SB 363-Griesheimer, with SCS, SS for SCS and SA 2 (pending)
SCS for SB 189-Shields	SB 364-Clemens and Schaefer
SBs 223 & 226-Goodman and Nodler, with SCS & SA 1 (pending)	SB 409-Stouffer, with SCS (pending)
	SB 477-Wright-Jones, with SS (pending)
	SB 527-Nodler and Bray
	SJR 12-Scott, with SCS (pending)

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order (pending)	SCR 14-Schmitt
SCR 7-Pearce	SCR 21-Clemens
SR 207-Lembke and Smith, with SCS & SS for SCS (pending)	SCR 10-Rupp
SCR 11-Bartle, et al	SCR 18-Bartle and Rupp
	SCR 23-Schmitt

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-EIGHTH DAY—TUESDAY, APRIL 7, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“In prayer it is better to have a heart without words than words without a heart.” (John Bunyan)

We are very good using our words to communicate our intent; but we ask O Lord that our words may also convey what is in our hearts so that we are truly present and the true meaning in our desires are communicated in authentic ways. Guide our hearts and words so that they are never mean-spirited or to hurt another whether in this chamber or our office or home. In Your Holy name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Engler offered Senate Resolution No. 763, regarding Joan M. Voelker, which was adopted.

Senator Cunningham offered Senate Resolution No. 764, regarding the Florissant Parks Foundation, which was adopted.

Senator Clemens offered Senate Resolution No. 765, regarding the 2008-2009 Class 2 state champion Sparta High School Girls Basketball Trojans, which was adopted.

Senator Ridgeway offered Senate Resolution No. 766, regarding Lydia Agee, Liberty, which was adopted.

Senator Crowell offered Senate Resolution No. 767, regarding Sergeant Blaine Adams of the Missouri State Highway Patrol, which was adopted.

Senator Engler offered Senate Resolution No. 768, regarding Joan Franke, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Lager moved that **SB 555**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 555**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 555**

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to exchange access rates.

Was taken up.

Senator Lager moved that **SCS** for **SB 555** be adopted.

Senator Lager offered **SS** for **SCS** for **SB 555**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 555**

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to exchange access rates.

Senator Lager moved that **SS** for **SCS** for **SB 555** be adopted.

Senator Lager offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 555, Page 2, Section 392.600, Line 19 of said page, by inserting immediately after said line the following:

**“4. Beginning August 28, 2009, each incumbent local exchange telecommunications company regulated under section 392.240 shall have the option to reduce its composite intrastate switched exchange access rates. Each year a company makes such an optional rate reduction, it may file tariff revisions, effective concurrent with the rate reduction, to increase its rates for basic local telecommunications service by up to two dollars per month to balance the decrease in its composite**

**intrastate switched exchange access rate reduction. The public service commission's review of such tariffs shall be limited to verifying the rate increase does not recover more revenue than the amount of the company's voluntary revenue reduction and the commission shall not conduct an earnings review or a review of all relevant factors pursuant to sections 392.230 or 392.240.”.**

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Barnitz offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 555, Page 1, Section 392.600, Line 14, by deleting the following words: “traffic sensitive and”

Senator Barnitz moved that the above amendment be adopted.

Senator Pearce assumed the Chair.

Senator Dempsey assumed the Chair.

At the request of Senator Lager, **SB 555**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 172**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### REFERRALS

President Pro Tem Shields referred the gubernatorial appointments appearing on pages 909 and 910 of the Senate Journal for Monday, April 6, 2009, to the Committee on Gubernatorial Appointments.

President Pro Tem Shields referred **SS** for **SCS** for **SB 558** and **SS** for **SCS** for **SB 306** to the Committee on Governmental Accountability and Fiscal Oversight.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John R. Albright, Republican, 40 Brookhaven Court, Sunrise Beach, Camden County, Missouri 65079, as a member of the Missouri

Community Service Commission, for a term ending December 15, 2010, and until his successor is duly appointed and qualified; vice, Elmo “Skip” O’Neal, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Karen L. Benson, 512 South Vine Street, Mount Vernon, Lawrence County, Missouri 65712, as Chair of the Governor's Council on Disability, for a term ending October 01, 2011, and until her successor is duly appointed and qualified; vice, Daniel Card, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Anne M. Bethune, 1260 West 59<sup>th</sup> Street, Kansas City, Jackson County, Missouri 64113, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2011, and until her successor is duly appointed and qualified; vice, Beth C. Biggs, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lynne M. Cooper, 2211 South Grand, Saint Louis City, Missouri 63104, as a member of the Children’s Trust Fund Board, for a term ending September 15, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard C. Dunn, 2244 South Meadowview, Springfield, Greene County, Missouri 65804, as a member of the Children's Trust Fund Board, for a term ending September 15, 2009, and until his successor is duly appointed and qualified; vice, Sarah Anderson, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Adrienne A. Fly, 4400 Lindell Boulevard #12 N, Saint Louis City, Missouri 63108, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2011, and until her successor is duly appointed and qualified; vice, Cynthia Suter, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dawn M. Fuller, 1306 Lucas Unit 1103, Saint Louis City, Missouri 63103, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2011, and until her successor is duly appointed and qualified; vice, Timothy McGrail, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cynthia L. Heislen, Democrat, 1507 Independence Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri

Community Service Commission, for a term ending December 12, 2009, and until her successor is duly appointed and qualified; vice, D. Kent King, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Peter W. Hofherr, 19300 County Road 1000, Saint James, Phelps County, Missouri 65559, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2012, and until his successor is duly appointed and qualified; vice, Kenneth Meyer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Shera R. Kafka, 1504 Gold Leaf Drive, Saint Louis, Saint Louis County, Missouri 63146, as a member of the Child Abuse and Neglect Review Board, for a term ending April 05, 2012, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Barbara C. Kuebler, 3204 Pembroke Square, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2010, and until her successor is duly appointed and qualified; vice, Karen Berding, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,



GOVERNOR OF MISSOURI

Jefferson City

65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nicole L. Loethen, 2930 Hillview Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2010, and until her successor is duly appointed and qualified; vice, Roberta Angle, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Randall J. McArthur, Republican, 11971 Autumn Lakes Drive, Maryland Heights, Saint Louis County, Missouri 63043, as a member of the Missouri Community Service Commission, for a term ending April 05, 2012, and until his successor is duly appointed and qualified; vice, RSMo 26.607.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Aubrey F. Moncrief, 5470 Stone Ledge Circle, Osage Beach, Camden County, Missouri 65065, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2012, and until his successor is duly appointed and qualified; vice, Teri Murray, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nina N. Murphy, Democrat, 3447 Pestalozzi Street, Saint Louis City, Missouri 63118, as a member of the Missouri Community Service Commission, for a term ending December 15, 2009, and until her successor is duly appointed and qualified; vice, Dana Hardy, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James E. O'Mara, Democrat, 214 Summit Ridge Place, Weldon Springs, Saint Charles County, Missouri 63304, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until his successor is duly appointed and qualified; vice, Barbara Wolken, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Phyllis M. Wolfram, 2524 South Penzance Avenue, Springfield, Greene County, Missouri 65809, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2010, and until her successor is duly appointed and qualified; vice, Donald McCary, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 06, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gerald J. Zafft, 10498 Frontenac Woods Lane, Saint Louis, Saint Louis County, Missouri 63131, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2010, and until his successor is duly appointed and qualified; vice, Gerald J. Zafft, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

### **RESOLUTIONS**

Senator Vogel offered Senate Resolution No. 769, regarding the Fiftieth Anniversary of the United Sportsmen's Club, Jefferson City, which was adopted.

On motion of Senator Engler, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

### **RESOLUTIONS**

Senator Scott offered Senate Resolution No. 770, regarding the One Hundredth Birthday of Ruby Gayle Wilson, El Dorado Springs, which was adopted.

Senator Scott offered Senate Resolution No. 771, regarding Talbert Richard, which was adopted.

Senator Ridgeway offered Senate Resolution No. 772, regarding Peyton James Woodward, Kansas City, which was adopted.

Senator Engler offered Senate Resolution No. 773, regarding Robin G. Portell, which was adopted.

Senator Engler offered Senate Resolution No. 774, regarding Barbara Dearing, which was adopted.

Senator Engler offered Senate Resolution No. 775, regarding Sharon A. King, which was adopted.

Senator Engler offered Senate Resolution No. 776, regarding Jeanne D. Johnson, Fredericktown, which was adopted.

### **SENATE BILLS FOR PERFECTION**

Senator Scott moved that **SB 228**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 228**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 228**

An Act to repeal section 393.135, RSMo, and to enact in lieu thereof sixteen new sections relating to clean energy generation.

Was taken up.

Senator Scott moved that **SCS** for **SB 228** be adopted.

Senator Scott offered **SS** for **SCS** for **SB 228**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 228**

An Act to repeal section 393.135, RSMo, and to enact in lieu thereof sixteen new sections relating to

clean energy generation.

Senator Scott moved that **SS** for **SCS** for **SB 228** be adopted.

President Pro Tem Shields assumed the Chair.

Senator Cunningham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 2, Section 393.135, Line 4 of said page by inserting after all of said line the following:

**“3. No electrical corporation authorized to make or demand charges under subsection 2 of this section shall assess such charges to any residential ratepayer who meets the following criteria:**

**(1) Is sixty-five years of age or older by January first of the year in which the charge is being assessed; and**

**(2) Has a combined household income of equal to or less than seventy thousand dollars in tax year 2008, where such maximum shall be adjusted each year by the incremental increase in the general price level as defined under article X, section 17 of the Missouri Constitution.”; and**

Further amend said bill, Page 23, Section 393.1292, Line 25 of said page, by inserting after all of said line the following:

**“393.1293. Notwithstanding any other provision of sections 393.1250 to 393.1295 to the contrary, no electrical corporation authorized to make or demand charges under sections 393.1250 to 393.1295 shall assess such charges to any residential ratepayer who meets the following criteria:**

**(1) Is sixty-five years of age or older by January first of the year in which the charge is being assessed; and**

**(2) Has a combined household income of equal to or less than seventy thousand dollars in tax year 2008, where such maximum shall be adjusted each year by the incremental increase in the general price level as defined under article X, section 17 of the Missouri Constitution.”; and**

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted.

Senator Stouffer assumed the Chair.

Senator Days offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 1, Section 393.135, Line 10, by striking the word “seventy” and inserting in lieu thereof the following: **“forty”**; and

Further amend page 2, section 393.1293, line 2, by striking the word “seventy” and inserting in lieu thereof the following: **“forty”**.

Senator Days moved that the above amendment be adopted.

At the request of Senator Days, **SA 1** to **SA 1** was withdrawn.

Senator Callahan offered **SA 2** to **SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 1, Section 393.135, Line 7, inserting immediately after the word “older” the following:

“ **or is disabled, as defined in section 135.010, RSMo,**”; and

further amend line 10 by striking the word “seventy” and inserting in lieu thereof the following: “**forty**”; and

Further amend said page, section 393.1293, line 21, by inserting immediately after the word “older” the following:

“ **or is disabled, as defined in section 135.010, RSMo,**”; and

Further amend page 2, section 393.1293, line 2, by striking the word “seventy” and inserting in lieu thereof the following: “**forty**”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Pages 1-2, Section 393.135, by striking all of said section and inserting in lieu thereof the following:

“393.135. Any charge made or demanded by an electrical corporation for service **to an aluminum smelting facility as defined in section 91.026, RSMo,** or in connection therewith, which is based on the costs of construction in progress upon any existing or new facility of the electrical corporation, or any other cost associated with owning, operating, maintaining, or financing any property before it is fully operational and used for service, is unjust and unreasonable, and is prohibited.”.

Senator Mayer moved that the above amendment be adopted.

Senator Callahan offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 1, Section 393.135, Line 6, by inserting immediately after “RSMo” the following “**or any residential customer or residential rate payer**”

Senator Callahan moved that the above amendment be adopted, which motion failed.

**SA 2** was again taken up.

Senator Mayer moved that the above amendment be adopted, which motion failed.

Senator Crowell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 2, Section 393.1250, Line 6 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 8 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 18 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 27 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and section, page 3, line 8 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 18 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill, page 4, section 393.1253, line 28 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and section, page 5, line 1 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and section, page 6, line 23 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and section, page 7, line 7 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill, page 8, section 393.1256, line 26 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and section, page 9, line 4 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 10 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 19 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 20 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and section, page 10, line 5 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 10 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 21 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and section, page 11, line 4 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 6 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 17 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 20 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and page, section 393.1259, line 23 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill, page 12, section 393.1265, line 10 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 14 of said page, by striking the

Further amend said bill and section, page 19, line 2 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 3 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 7 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 13 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 15 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and section, page 20, line 4 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 5 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 6 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 15 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 18 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 20 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 23 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 24 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 28 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill, page 21, section 393.1277, line 5 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 6 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill, page 21, section 393.1280, line 26 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 27 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and section, page 22, line 1 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill, page 22, section 393.1286, line 13 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 17 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 22 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 25 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and section, page 23, line 2 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 6 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and page, section 393.1289, line 9 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 12 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill, page 24, section 393.1295, line 2 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 11 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”.

Senator Crowell moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 4**, which was read:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 24, Section 393.1295, Line 13, by inserting after all of said line the following:

“Section B. Because of the need to ensure that consumers are adequately protected prior to the construction of a new nuclear plant in this state, section A of this act is deemed necessary for the immediate



preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Bray offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 1, In the Title, Line 4, by inserting after the word “generation” the following:

“, with a contingent effective date”; and

Further amend said bill, page 24, section 393.1295, line 13 by inserting after all of said line the following:

“Section B. The provisions of this act shall become effective on January 1, 2010.”.

Senator Bray moved that the above substitute amendment be adopted.

Senator Bray offered **SA 1** to **SSA 1** for **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 4

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 1, Line 3, by inserting after the word “date” the following:

“and a referendum clause”; and

Further amendment said amendment, line 7 by inserting after “2010” the following:

“only if this act is approved by the voters under section C of this act.

Section C. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2010, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise”.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Crowell, Justus and Smith.

**SA 1** to **SSA 1** for **SA 4** failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Crowell	Justus	Mayer	Ridgeway	Schaefer	Smith
Wright-Jones—9							

## NAYS—Senators

Barnitz	Champion	Cunningham	Days	Dempsey	Engler	Goodman	Green
Griesheimer	Lager	Lembke	McKenna	Nodler	Pearce	Rupp	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—22		

Absent—Senator Clemens—1

Absent with leave—Senators

Bartle                      Purgason—2

Vacancies—None

**SSA 1** for **SA 4** was again taken up.

Senator Bray moved that the above substitute amendment be adopted, which motion failed.

**SA 4** was again taken up.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Ridgeway offered **SA 5**, which was read:

## SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Pages 1-2, Section 393.135, by striking all of said section and inserting in lieu thereof the following:

“393.135. Any charge made or demanded by an electrical corporation for service **to a motor vehicle assembly plant located in this state**, or in connection therewith, which is based on the costs of construction in progress upon any existing or new facility of the electrical corporation, or any other cost associated with owning, operating, maintaining, or financing any property before it is fully operational and used for service, is unjust and unreasonable, and is prohibited.”.

Senator Ridgeway moved that the above amendment be adopted, which motion failed.

President Pro Tem Shields assumed the Chair.

Senator Rupp offered **SA 6**, which was read:

## SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 24, Section 393.1295, Line 13, by inserting immediately after said line the following:

“**Section 1. For any qualified generating plant or facility under sections 393.1250 to 393.1295, the electrical corporation shall ensure that at least one hundred million dollars worth of financing for the capital costs associated with such plant or facility shall be obtained through a bank or banks chartered in the state of Missouri and that are headquartered in the state of Missouri.**”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Scott offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 1, Section 1, Line 9, by inserting after the period on said line the following: “Such financing cost from Missouri banks shall be comparable and competitive to other financing options available to the utility”.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 2** to **SA 6**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 1, Section 1, Line 9, by inserting after the word “Missouri” the following:

**“and at least an additional twenty-five million dollars worth of financing for such capital costs shall be obtained through a minority-owned bank or banks”.**

Senator Smith moved that the above amendment be adopted, which motion prevailed.

**SA 6**, as amended, was again taken up.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 24, Section 393.1295, Line 13 of said page, by inserting after all of said line the following:

**“Section 1. The provisions of sections 393.1250 to 393.1295, RSMo, shall only become effective after the federal government has adopted and is collecting a tax on carbon emissions.”; and**

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Scott offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 2, Section 393.1250, Lines 9-10, by striking “August 28, 2009” and inserting in lieu thereof the following:

**“January 1, 2012”.**

Senator Scott moved that the above amendment be adopted.

Senator Engler assumed the Chair.

At the request of Senator Scott, **SA 8** was withdrawn.

Senator Mayer offered **SA 9**:

## SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 7, Section 393.1253, Lines 7-8 of said page, by striking “of a reasonable person” and inserting in lieu thereof the following: **“which would be employed by a person charged with the highest degree of care with regard to the property of another person and”**; and further amend line 9 of said page, by inserting immediately after “made” the following: **“and knowledge of the circumstances that would be disclosed upon making further inquiry”**.

Senator Mayer moved that the above amendment be adopted, which motion failed.

Senator Crowell offered **SA 10**:

## SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 11, Section 393.1256, Lines 4-9, by striking all of said lines and inserting in lieu thereof the following:

**“total of any proceeds received from such sale, transfer or assignment shall be refunded to ratepayers, with interest at the electrical corporation's short-term borrowing rate.”**; and

Further amend said bill, section 393.1295, page 23, line 26 by striking all of said line and inserting in lieu thereof the following:

**“393.1295. 1. If an electrical corporation has revised its rates under section 393.1250 to 393.1295 for a qualified generating plant or facility, and if, prior to such qualified generating plant or”**; and

Further amend page 24, lines 2-6 by striking all of said lines and inserting in lieu thereof the following:

**“generating plant or facility itself, the total of any proceeds received from such sale or transfer shall be refunded to ratepayers, with interest at the electrical corporation's short-term borrowing rate.”**.

Senator Crowell moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Justus, Lembke and Mayer.

**SA 10** was adopted by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna
Rupp	Schaefer	Schmitt	Shoemyer	Smith	Stouffer	Wilson	Wright-Jones—24

## NAYS—Senators

Nodler	Pearce	Scott	Shields	Vogel—5
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## Absent—Senators

Clemens	Green	Ridgeway—3
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## Absent with leave—Senators

Bartle	Purgason—2
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Vacancies—None

Senator Bray offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 2, Section 393.135, Line 4, by adding the following:

“There shall be a three percent total annual cap on any rate increases caused by such additional amortizations.”

Senator Bray moved that the above amendment be adopted.

Senator Callahan offered **SSA 1** for **SA 11**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 24, Section 393.1295, Line 13, by inserting after all of said line the following:

**“Section 1. Any increase in rates to customers of an electrical corporation under sections 393.1250 to 393.1295, RSMo, shall not exceed three percent in any twelve-month period or more than ten percent total for any single qualified generating plant or facility.”; and**

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Crowell, Mayer and Smith.

Senator Dempsey assumed the Chair.

Senator Mayer offered **SA 1** to **SSA 1** for **SA 11**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 11

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 11 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 1, Line 7, by inserting after the word “facility” the following:

**“, except that any increase in rates to any industrial customer that utilizes ten thousand or more kilowatts of energy per year shall not exceed one percent in any twelve-month period”.**

Senator Mayer moved that the above amendment be adopted.

Senator Crowell requested a roll call vote be taken on the adoption of **SA 1** to **SSA 1** for **SA 11**. He was joined in his request by Senators Callahan, Mayer, Justus and Smith.

Senator Crowell requested a roll call vote be taken on the adoption of **SA 11** and was joined in his request by Senators Callahan, Mayer, Justus and Smith.

**SA 1** to **SSA 1** for **SA 11** failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Crowell	Justus	Lembke	Mayer	Smith	Wright-Jones—8
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## NAYS—Senators

Barnitz	Champion	Cunningham	Days	Dempsey	Engler	Goodman	Griesheimer
Lager	McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson—21			

## Absent—Senators

Clemens	Green	Ridgeway—3
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## Absent with leave—Senators

Bartle	Purgason—2
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## Vacancies—None

**SSA 1 for SA 11** was again taken up.

**SSA 1 for SA 11** failed of adoption by the following vote:

## YEAS—Senators

Bray	Callahan	Crowell	Dempsey	Justus	Lembke	Mayer	McKenna
Schmitt	Smith	Wright-Jones—11					

## NAYS—Senators

Barnitz	Champion	Cunningham	Days	Engler	Goodman	Griesheimer	Lager
Nodler	Pearce	Rupp	Schaefer	Scott	Shields	Shoemyer	Stouffer
Vogel	Wilson—18						

## Absent—Senators

Clemens	Green	Purgason	Ridgeway—4
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## Absent with leave—Senator Bartle—1

## Vacancies—None

**SA 11** was again taken up.

Senator Scott offered **SSA 2 for SA 11**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR  
SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 2, Section 393.135, Line 4, by adding the following section:

“There shall be a five percent total annual cap on any rate increase caused by such additional amortizations”.

Senator Scott moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Champion, Shields and Stouffer.

**SSA 2 for SA 11** was adopted by the following vote:

YEAS—Senators

Barnitz	Champion	Cunningham	Days	Dempsey	Engler	Goodman	Griesheimer
Lager	Lembke	McKenna	Nodler	Pearce	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wright-Jones—21			

NAYS—Senators

Bray	Callahan	Crowell	Justus	Mayer	Purgason	Rupp	Smith
Wilson—9							

Absent—Senators

Clemens	Green	Ridgeway—3
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Absent with leave—Senator Bartle—1

Vacancies—None

Senator Bray offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 24, Section 393.1295, Line 13 by inserting after all of said line the following:

**“Section 1. Any increase in rates to customers of an electrical corporation under sections 393.1250 to 393.1295, RSMo, shall not exceed five percent in any twelve-month period.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Bray offered **SSA 1** for **SA 12**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 24, Section 393.1295, Line 13 by inserting after all of said line the following:

**“Section 1. Any increase in rates to customers of an electrical corporation under sections 393.1250 to 393.1295, RSMo, shall not exceed three percent in any twelve-month period.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above substitute amendment be adopted.

Senator Bray offered **SA 1** to **SSA 1** for **SA 12**:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 12

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 12 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 1, Section 1, Line 5, by inserting after the word “period” the following:

**“and there shall be a ten percent total cap for any cumulative rate increases charged to customers of an electrical corporation under sections 393.1250 to 393.1295, for any single qualified generating plant or facility”.**

Senator Bray moved that the above amendment be adopted.

Senator Crowell requested a roll call vote be taken on the adoption of **SA 1 to SSA 1 for SA 12**. He was joined in his request by Senators Justus, Scott, Shields and Smith.

Senator Stouffer assumed the Chair.

At the request of Senator Scott, **SB 228**, with **SCS, SS for SCS, SA 12, SSA 1 for SA 12 and SA 1 to SSA 1 for SA 12** (pending), was placed on the Informal Calendar.

### **RESOLUTIONS**

Senator Lembke offered Senate Resolution No. 777, regarding Lisa Marie Foster, St. Louis, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Goodman introduced to the Senate, Ms. Jelinek and nine fourth grade students from Trinity Lutheran School, Freistatt.

Senator Shoemyer introduced to the Senate, Dan Dollins, parents, and sixth grade students from Paris Elementary School.

Senator Cunningham introduced to the Senate, Bruce Ward, St. Louis County.

Senator Schmitt introduced to the Senate, the Physicians of the Day, Dr. Robert Curtin, M.D. and Dr. Laura Gardner, M.D., Webster Groves.

Senator Days introduced to the Senate, Michael Holmes, Susan Lang, Dr. Steven Miller, M.D., Vernon Rowen and employees from Express Scripts, St. Louis.

Senator McKenna introduced to the Senate, Kathy Wieter and seventh grade students from St. Joseph Elementary School, Imperial.

Senator Schmitt introduced to the Senate, teachers, parents, and fifth grade students from Barretts Elementary School, Manchester; and Taylor Martin, Anastasia Young, Tara Ryan, James Rancileo, Ellie Gorham and Matthew Kraus were made honorary pages.

Senator Scott introduced to the Senate, his cousin, Sue Ash, El Dorado Springs.

Senator Crowell introduced to the Senate, Amber Knippen and eighth grade students from Immaculate Conception School, Jackson; and Shay Williams was made an honorary page.

Senator Crowell introduced to the Senate, Laverne Wachter and seventh grade students from St. Paul Lutheran School, Jackson.

Senator Lembke introduced to the Senate, members of South County Chamber of Commerce and Jaylah and Jaylen Riley, St. Louis County; and Jaylah and Jaylen were made honorary pages.

Senator Pearce introduced to the Senate, members of Farmers Insurance Group from around the state.

Senator Scott introduced to the Senate, Cedar County Prosecuting Attorney Mike Ash, El Dorado



Springs.

Senator Ridgeway introduced to the Senate, first and second grade Girl Scouts from Ridgeview Elementary and St. James Elementary Schools, Liberty.

Senator Ridgeway introduced to the Senate, her husband Dr. Richard Ridgeway, Smithville.

Senator Rupp introduced to the Senate, Deb Settle, Jeff Sauls, Paul Crosetti and Joe Downs, representatives of Farmers Insurance Group.

Senator Cunningham introduced to the Senate, Janet Heitzig and Michael Kerley, St. Louis County.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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FORTY-NINTH DAY–WEDNESDAY, APRIL 8, 2009

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 205  
HB 116-Hoskins  
HCS for HB 381  
HCS for HB 622

HB 922-Smith (14), et al  
HB 652-Pratt  
HCS for HB 481  
HCS for HB 681

### THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp  
(In Fiscal Oversight)  
SCS for SBs 207 & 245-Rupp  
(In Fiscal Oversight)  
SS for SCS for SB 306-Dempsey  
(In Fiscal Oversight)

SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)  
SS for SB 172-Green

### SENATE BILLS FOR PERFECTION

1. SB 572-Dempsey and Justus
2. SB 123-Griesheimer, with SCS
3. SB 549-Schmitt, with SCS
4. SB 538-Champion, with SCS
5. SB 71-Stouffer, with SCS
6. SB 542-Pearce, with SCS

7. SB 254-Barnitz and Shoemyer
8. SB 383-Dempsey, with SCS
9. SBs 453 & 24-Mayer, with SCS
10. SB 495-Griesheimer, with SCS
11. SB 376-Lager and Callahan, with SCS
12. SB 299-Griesheimer, with SCS

## HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

## SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce and Smith, with SCS &  
SS#3 for SCS (pending)  
SB 57-Stouffer, with SCS & SA 1 (pending)  
SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for  
SCS (pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)  
SB 228-Scott, with SCS, SS for SCS, SA 12,  
SSA 1 for SA 12 & SA 1 to SSA 1  
for SA 12 (pending)

SB 236-Lembke  
SBs 261, 159, 180 & 181-Bartle and  
Goodman, with SCS & SS#3 for SCS  
(pending)  
SB 264-Mayer  
SB 267-Mayer and Green, with SA 1  
(pending)  
SB 284-Lembke, et al  
SB 321-Days, et al, with SCS (pending)  
SBs 335 & 16-Rupp, with SCS  
SB 363-Griesheimer, with SCS, SS for SCS  
and SA 2 (pending)  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)  
SB 527-Nodler and Bray  
SB 555-Lager, with SCS, SS for SCS &  
SA 2 (pending)  
SJR 12-Scott, with SCS (pending)

## RESOLUTIONS

## Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

# Journal of the Senate

## FIRST REGULAR SESSION

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**FORTY-NINTH DAY—WEDNESDAY, APRIL 8, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Love more persons more—love them more impersonally, more unselfishly, without thought of return. The return, never fear, will take care of itself.” (*Henry Drummond*)

Lord God, we live in a society of “quid pro quo” and it is true that our system of working and relating to one another seems to work best in this system. But we pray Lord that we might learn another way that You have taught us that in giving of ourselves freely we are much more blessed than we could imagine. Help us to be more loving in this way O Lord now and forever. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Engler offered Senate Resolution No. 778, regarding Oralee W. Brady, Bismarck, which was adopted.

## CONCURRENT RESOLUTIONS

Senator Wilson offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 26

WHEREAS, it is well established that the most effective strategy for preventing influenza is annual vaccination against the illness; and

WHEREAS, beginning with the 2008-2009 flu season, annual vaccination of all children aged six months to 18 years is recommended by the Centers for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices (ACIP), as well as the American Academy of Pediatrics (AAP); and

WHEREAS, annual vaccination of all children aged six months through 18 years should begin as soon as a vaccine is available in the 2008-2009 flu season, but should be initiated no later than the 2009-2010 season; and

WHEREAS, strategies that focus on providing routine vaccination to persons at higher risk for flu complications have long been recommended, although rates of flu vaccination among the majority of these groups remains low; and

WHEREAS, although the flu is the most frequent cause of death for a vaccine-preventable disease in the United States, there were 87 reported pediatric deaths in this country caused by the flu during the 2007-2008 flu season, and it is responsible for an average of 200,000 hospitalizations each year and an estimated 36,000 deaths, primarily in the elderly; and

WHEREAS, according to the AAP, the ACIP's expanded recommendations target all school-age children, the population that bears the greatest burden of disease and is at higher risk of needing flu-related medical care compared with healthy adults, and the AAP states that reducing flu transmission among school-age children will in turn reduce transmission of the flu to household contacts and community members; and

WHEREAS, flu vaccine should be offered to all children as soon as a vaccine becomes available before the start of the season and should continue into March and beyond, as there is often more than one peak in flu illness during the same season, so the AAP states that vaccination through May 1 can provide protection and widen the window of opportunity for children who need two doses of vaccine to receive it; and

WHEREAS, school-based vaccination is an efficient venue for the mass vaccination of school-age children against the flu, and school-based vaccination programs benefit the communities in which they are conducted by helping reduce transmission of the flu to other members of the community; and

WHEREAS, the potential threat of a flu pandemic underscores the benefit of building out local infrastructure and strengthening community partnerships as a preventive measure to address both seasonal flu and the event of pandemic;

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize and declare that extending the flu vaccination season both earlier and later may help vaccinate, and therefore protect, children, adults and especially those in high risk groups, and it is important during this flu season that all Missourians are protected against this dangerous and potentially deadly disease; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Department of Health and Senior Services and the Department of Elementary and Secondary Education.

## SENATE BILLS FOR PERFECTION

Senator Dempsey moved that **SB 572** be taken up for perfection, which motion prevailed.

Senator Pearce assumed the Chair.

At the request of Senator Dempsey, **SB 572** was placed on the Informal Calendar.

Senator Griesheimer moved that **SB 123**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 123**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 123

An Act to repeal sections 52.290, 52.312, and 54.010, RSMo, and to enact in lieu thereof three new sections relating to county collectors.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 123** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 123, Page 1, Section 52.290, Line 11, by inserting after all of said line the following: “**Notwithstanding provisions of law to the contrary, an authorization for collection of a fee for the collection of delinquent and back taxes in a county's charter, at a rate different than the rate allowed by law, shall control.**”.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Engler assumed the Chair.

Senator Griesheimer moved that **SCS** for **SB 123**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 123**, as amended, was declared perfected and ordered printed.

Senator Schmitt moved that **SB 549**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 549**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 549

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet data transparency.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 549** be adopted.

Senator Shoemyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 549, Page 3, Section 208.192, Line 58, by inserting after all of said line the following:

“208.955. 1. There is hereby established in the department of social services the “MO HealthNet Oversight Committee”, which shall be appointed by January 1, 2008, and shall consist of [eighteen] **twenty-nine** members as follows:

(1) Two members of the house of representatives, one from each party, appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives;

(2) Two members of the Senate, one from each party, appointed by the president pro tem of the senate and the minority floor leader of the senate;

(3) One consumer representative;

(4) [Two primary care] **Four physicians, two each from rural and urban areas**, licensed under chapter 334, RSMo, [recommended by any Missouri organization or association that represents a significant number of physicians licensed in this state] **board certified in their specialty**, who care for participants, not from the same geographic area;

(5) [Two physicians, licensed under chapter 334, RSMo, who care for participants but who are not primary care physicians and are not from the same geographic area, recommended by any Missouri organization or association that represents a significant number of physicians licensed in this state;

(6) **One optometrist, licensed under chapter 336, RSMo, who cares for participants;**

(6) **One nurse, licensed or registered under chapter 335, RSMo, who cares for participants;**

(7) **One mental health professional who cares for participants. The mental health professional shall be either a psychologist, professional counselor, or social worker licensed under chapter 337, RSMo;**

(8) **One representative from a rural health clinic;**

(9) **One representative of a not-for-profit health network serving rural counties and providing both patient-based and provider member services;**

(10) **One representative of the long-term care facilities licensed in this state;**

(11) One representative of the state hospital association;

[(7)] (12) One nonphysician health care professional who cares for participants, recommended by the director of the department of insurance, financial institutions and professional registration;

[(8)] (13) One dentist, who cares for participants[. The dentist shall be recommended by any Missouri organization or association that represents a significant number of dentists licensed in this state];

[(9) Two] (14) **Three patient advocates, with one advocate representing children, one the disabled, and one the elderly community;**

(15) **One member representing a federally qualified health center;**

(16) **One representative from the durable medical equipment industry, who owns or manages a durable medical equipment company operating in Missouri for at least three years, with multiple lines of products and services for participants. The representative shall be in good standing with the federal Medicare program and the MO HealthNet program;**

(17) **One physical therapist, licensed under chapter 334, RSMo, who cares for participants;**

(18) **One member representing a managed care organization under the MO HealthNet program, as defined in section 208.431;**

[(10)] (19) One public member; and

[(11)] (20) The directors of the department of social services, the department of mental health, the department of health and senior services, or the respective directors' designees, who shall serve as ex-officio members of the committee.

2. The members of the oversight committee, other than the members from the general assembly and

ex-officio members, shall be appointed by the governor with the advice and consent of the senate. A chair of the oversight committee shall be selected by the members of the oversight committee. Of the members first appointed to the oversight committee by the governor, eight members shall serve a term of two years, seven members shall serve a term of one year, and thereafter, members shall serve a term of two years. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the oversight committee shall be filled in the same manner as the original appointment. Members shall serve on the oversight committee without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of social services for that purpose. The department of social services shall provide technical, actuarial, and administrative support services as required by the oversight committee. The oversight committee shall:

(1) Meet on at least four occasions annually, including at least four before the end of December of the first year the committee is established. Meetings can be held by telephone or video conference at the discretion of the committee;

(2) Review the participant and provider satisfaction reports and the reports of health outcomes, social and behavioral outcomes, use of evidence-based medicine and best practices as required of the health improvement plans and the department of social services under section 208.950;

(3) Review the results from other states of the relative success or failure of various models of health delivery attempted;

(4) Review the results of studies comparing health plans conducted under section 208.950;

(5) Review the data from health risk assessments collected and reported under section 208.950;

(6) Review the results of the public process input collected under section 208.950;

(7) Advise and approve proposed design and implementation proposals for new health improvement plans submitted by the department, as well as make recommendations and suggest modifications when necessary;

(8) Determine how best to analyze and present the data reviewed under section 208.950 so that the health outcomes, participant and provider satisfaction, results from other states, health plan comparisons, financial impact of the various health improvement plans and models of care, study of provider access, and results of public input can be used by consumers, health care providers, and public officials;

(9) Present significant findings of the analysis required in subdivision (8) of this subsection in a report to the general assembly and governor, at least annually, beginning January 1, 2009;

(10) Review the budget forecast issued by the legislative budget office, and the report required under subsection (22) of subsection 1 of section 208.151, and after study:

(a) Consider ways to maximize the federal drawdown of funds;

(b) Study the demographics of the state and of the MO HealthNet population, and how those demographics are changing;

(c) Consider what steps are needed to prepare for the increasing numbers of participants as a result of the baby boom following World War II;

(11) Conduct a study to determine whether an office of inspector general shall be established. Such office would be responsible for oversight, auditing, investigation, and performance review to provide

increased accountability, integrity, and oversight of state medical assistance programs, to assist in improving agency and program operations, and to deter and identify fraud, abuse, and illegal acts. The committee shall review the experience of all states that have created a similar office to determine the impact of creating a similar office in this state; and

(12) Perform other tasks as necessary, including but not limited to making recommendations to the division concerning the promulgation of rules and emergency rules so that quality of care, provider availability, and participant satisfaction can be assured.

3. By July 1, 2011, the oversight committee shall issue findings to the general assembly on the success and failure of health improvement plans and shall recommend whether or not any health improvement plans should be discontinued.

4. The oversight committee shall designate a subcommittee devoted to advising the department on the development of a comprehensive entry point system for long-term care that shall:

(1) Offer Missourians an array of choices including community-based, in-home, residential and institutional services;

(2) Provide information and assistance about the array of long-term care services to Missourians;

(3) Create a delivery system that is easy to understand and access through multiple points, which shall include but shall not be limited to providers of services;

(4) Create a delivery system that is efficient, reduces duplication, and streamlines access to multiple funding sources and programs;

(5) Strengthen the long-term care quality assurance and quality improvement system;

(6) Establish a long-term care system that seeks to achieve timely access to and payment for care, foster quality and excellence in service delivery, and promote innovative and cost-effective strategies; and

(7) Study one-stop shopping for seniors as established in section 208.612.

5. The subcommittee shall include the following members:

(1) The lieutenant governor or his or her designee, who shall serve as the subcommittee chair;

(2) One member from a Missouri area agency on aging, designated by the governor;

(3) One member representing the in-home care profession, designated by the governor;

(4) One member representing residential care facilities, predominantly serving MO HealthNet participants, designated by the governor;

(5) One member representing assisted living facilities or continuing care retirement communities, predominantly serving MO HealthNet participants, designated by the governor;

(6) One member representing skilled nursing facilities, predominantly serving MO HealthNet participants, designated by the governor;

(7) One member from the office of the state ombudsman for long-term care facility residents, designated by the governor;

(8) One member representing Missouri centers for independent living, designated by the governor;



- (9) One consumer representative with expertise in services for seniors or the disabled, designated by the governor;
- (10) One member with expertise in Alzheimer's disease or related dementia;
- (11) One member from a county developmental disability board, designated by the governor;
- (12) One member representing the hospice care profession, designated by the governor;
- (13) One member representing the home health care profession, designated by the governor;
- (14) One member representing the adult day care profession, designated by the governor;
- (15) One member gerontologist, designated by the governor;
- (16) Two members representing the aged, blind, and disabled population, not of the same geographic area or demographic group designated by the governor;
- (17) The directors of the departments of social services, mental health, and health and senior services, or their designees; and
- (18) One member of the house of representatives and one member of the senate serving on the oversight committee, designated by the oversight committee chair.

Members shall serve on the subcommittee without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of health and senior services for that purpose. The department of health and senior services shall provide technical and administrative support services as required by the committee.

6. By October 1, 2008, the comprehensive entry point system subcommittee shall submit its report to the governor and general assembly containing recommendations for the implementation of the comprehensive entry point system, offering suggested legislative or administrative proposals deemed necessary by the subcommittee to minimize conflict of interests for successful implementation of the system. Such report shall contain, but not be limited to, recommendations for implementation of the following consistent with the provisions of section 208.950:

- (1) A complete statewide universal information and assistance system that is integrated into the web-based electronic patient health record that can be accessible by phone, in-person, via MO HealthNet providers and via the Internet that connects consumers to services or providers and is used to establish consumers' needs for services. Through the system, consumers shall be able to independently choose from a full range of home, community-based, and facility-based health and social services as well as access appropriate services to meet individual needs and preferences from the provider of the consumer's choice;
- (2) A mechanism for developing a plan of service or care via the web-based electronic patient health record to authorize appropriate services;
- (3) A preadmission screening mechanism for MO HealthNet participants for nursing home care;
- (4) A case management or care coordination system to be available as needed; and
- (5) An electronic system or database to coordinate and monitor the services provided which are integrated into the web-based electronic patient health record.

7. Starting July 1, 2009, and for three years thereafter, the subcommittee shall provide to the governor, lieutenant governor and the general assembly a yearly report that provides an update on progress made by

the subcommittee toward implementing the comprehensive entry point system.

8. The provisions of section 23.253, RSMo, shall not apply to sections 208.950 to 208.955.”; and  
Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Stouffer offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for Senate Bill No. 549, Page 1, Section A, Line 2, by inserting immediately after said line the following:

**“191.1127. 1. The MO HealthNet program and the health care for uninsured children program under sections 208.631 to 208.659, RSMo, in consultation with statewide organizations focused on premature infant health care, shall:**

**(1) Examine and improve hospital discharge and follow-up care procedures for premature infants born earlier than thirty-seven weeks gestational age to ensure standardized and coordinated processes are followed as premature infants leave the hospital from either a well-baby nursery, step down or transitional nursery, or neonatal intensive care unit and transition to follow-up care by a health care provider in the community;**

**(2) Urge hospitals serving infants eligible for medical assistance under the MO HealthNet and health care for uninsured children programs to report to the state the causes and incidence of all re-hospitalizations of infants born premature at earlier than thirty-seven weeks gestational age within their first six months of life; and**

**(3) Use guidance from the Centers for Medicare and Medicaid Services' Neonatal Outcomes Improvement Project to implement programs to improve newborn outcomes, reduce newborn health costs, and establish ongoing quality improvement for newborns.**

**191.1130. 1. The department of health and senior services shall, by December 31, 2009, prepare written educational publications containing information about the possible complications, proper care and support associated with newborn infants who are born premature at earlier than thirty-seven weeks gestational age. The written information, at a minimum, shall include the following:**

**(1) The unique health issues affecting infants born premature, such as:**

**(a) Increased risk of developmental problems;**

**(b) Nutritional challenges;**

**(c) Infection;**

**(d) Chronic lung disease (bronchopulmonary dysplasia);**

**(e) Vision and hearing impairment;**

**(d) Breathing problems;**

**(f) Fine motor skills;**

- (g) Feeding;
- (h) Maintaining body temperature;
- (i) Jaundice;
- (j) Hyperactivity;
- (k) Infant mortality as well as long-term complications associated with growth and nutrition;
- (l) Respiratory; and
- (m) Reading, writing, mathematics, and speaking;

(2) The proper care needs of premature infants, developmental screenings and monitoring and health care services available to premature infants through the MO HealthNet program and other public or private health programs;

(3) Methods, vaccines, and other preventative measures to protect premature infants from infectious diseases, including viral respiratory infections;

(4) The emotional and financial burdens and other challenges that parents and family members of premature infants experience and information about community resources available to support them.

2. The publications shall be written in clear language to educate parents of premature infants across a variety of socioeconomic statuses. The department may consult with community organizations that focus on premature infants or pediatric health care. The department shall update the publications every two years.

3. The department shall distribute these publications to children's health providers, maternal care providers, hospitals, public health departments, and medical organizations and encourage those organizations to provide the publications to parents or guardians of premature infants.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt moved that **SCS for SB 549**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS for SB 549**, as amended, was declared perfected and ordered printed.

Senator Champion moved that **SB 538**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 538**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 538

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the personal needs allowance for residents in long-term care facilities.

Was taken up.

Senator Champion moved that **SCS for SB 538** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS for SB 538** was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 123**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 191**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

**SENATE BILLS FOR PERFECTION**

Senator Stouffer moved that **SB 71**, with **SCS**, be taken up for perfection, which motion prevailed. **SCS** for **SB 71**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 71**

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for contributions made to developmental disability care providers.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 71** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 71** was declared perfected and ordered printed.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 10**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing sections 25(a), 25(d), and 25(e), of article V of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the appellate judicial commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS** for **HB 205**—Commerce, Consumer Protection, Energy and the Environment.

**HB 116**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HB 381**—Ways and Means.

**HCS for HB 622**—Judiciary and Civil and Criminal Jurisprudence.

**HB 922**—Education.

**HB 652**—General Laws.

**HCS for HB 481**—Jobs, Economic Development and Local Government.

**HCS for HB 681**—Financial and Governmental Organizations and Elections.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

### **RESOLUTIONS**

Senator Purgason offered Senate Resolution No. 779, regarding Jasmine Freitas, Raymondville, which was adopted.

Senator Purgason offered Senate Resolution No. 780, regarding Bailey Wildhaber, Raymondville, which was adopted.

Senator Engler offered Senate Resolution No. 781, regarding the Missouri Cement Committee, which was adopted.

Senator Crowell offered Senate Resolution No. 782, regarding Mia Jane Roe, Cape Girardeau, which was adopted.

Senator Vogel offered Senate Resolution No. 783, regarding Colonel Rad Talburt, Jefferson City, which was adopted.

Senator Nodler offered Senate Resolution No. 784, regarding the Ninetieth Anniversary of the Joplin High School Junior Reserve Officers Training Corps (JROTC), which was adopted.

### **HOUSE BILLS ON THIRD READING**

**HCS for HB 191**, with **SCS**, entitled:

An Act to repeal sections 99.1090, 135.155, 135.680, 135.903, 620.495, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof fourteen new sections relating to job development, with an emergency clause.

Was taken up by Senator Griesheimer.

**SCS for HCS for HB 191**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 191**

An Act to repeal sections 100.760, 100.770, 100.850, 135.155, 135.680, 135.800, 135.802, 135.805, 253.550, 620.014, 620.017, 620.472, 620.495, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof twenty-five new sections relating to tax incentives for business development, with an emergency clause and an expiration date for a certain section.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 191** be adopted.

Senator Lager offered **SS** for **SCS** for **HCS** for **HB 191**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 191

An Act to repeal sections 32.105, 32.110, 32.111, 32.112, 32.115, 99.820, 99.865, 99.960, 99.1205, 100.286, 100.297, 100.760, 100.770, 100.850, 105.145, 135.090, 135.305, 135.327, 135.352, 135.460, 135.484, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.680, 135.700, 135.710, 135.750, 135.766, 135.800, 135.802, 135.805, 135.967, 208.770, 238.207, 238.212, 238.235, 253.550, 320.093, 348.430, 348.432, 348.434, 348.505, 447.708, 620.014, 620.017, 620.470, 620.472, 620.478, 620.495, 620.1039, 620.1878, 620.1881, and 660.055, RSMo, and to enact in lieu thereof sixty-five new sections relating to taxation, with penalty provisions and an emergency clause and an expiration date for a certain section.

Senator Lager moved that **SS** for **SCS** for **HCS** for **HB 191** be adopted.

Senator Lager offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 250, Section 620.1881, Line 21, by striking the words “For high impact”; and

Further amend said bill, section and page, lines 22-23, by striking all of said lines; and

Further amend said bill, section and page, line 24, by striking the words “two adjacent counties.”; and inserting in lieu thereof the following:

**“For high impact projects in a facility located within two adjacent counties, the new payroll shall equal or exceed the higher county wage of the two adjacent counties.”.**

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 38, Section 99.960, Line 21 of said page, by striking the word “before” and inserting in lieu thereof the following: **“after”**.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 206, Section 447.708, Line 8 of said page, by inserting immediately after the word “abatement,” the following: **“environmental insurance premiums, backfill of areas where contaminated**

**soil excavation occurs,”**; and further amend line 20 of said page, by striking the opening bracket “[”]; and

Further amend said bill and section, Page 207, line 8 of said page, by striking the closing bracket “]”; and

Further amend said bill and section, page 208, line 11 of said page, by inserting immediately after the word “facility.” the following: **“In the event the department of natural resources issues a letter of completion for a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion of a site improvement, a prorated amount of the remaining percentage may be released based on the percentage of the total site receiving a letter of completion.”**.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 61, Section 100.850, Line 12 of said page, by striking the word “fifteen” and inserting in lieu thereof the following: **“twenty-five”**; and further amend line 17 of said page, by striking the word “fifteen” and inserting in lieu thereof the following: **“twenty-five”**.

Senator Griesheimer moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Callahan, Crowell and Dempsey.

Senator Pearce assumed the Chair.

**SA 4** was adopted by the following vote:

#### YEAS—Senators

Bray	Callahan	Cunningham	Days	Dempsey	Griesheimer	Justus	McKenna
Pearce	Rupp	Schmitt	Shields	Shoemyer	Smith	Vogel	Wilson
Wright-Jones—17							

#### NAYS—Senators

Barnitz	Bartle	Champion	Crowell	Goodman	Green	Lager	Lembke
Mayer	Nodler	Purgason	Ridgeway	Stouffer—13			

#### Absent—Senators

Clemens	Engler	Schaefer	Scott—4
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Absent with leave—Senators—None

Vacancies—None

Senator Griesheimer offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 158, Section 135.967, Line 25 of said page, by inserting immediately after all of said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(2) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the



taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; and

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under subdivision (3) of subsection 2 of this section, the amount by which addition modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to

calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, “qualified health insurance premium” means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2009, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153, RSMo, or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year or cumulatively exceed two thousand dollars per taxpayer or taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction [shall not be claimed] **allowed** for any [otherwise] eligible activity under this subsection **shall be reduced by an amount equal to** [if such activity qualified for and received] any rebate or other incentive **received** through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2013.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 21, Section 32.115, Line 12, by inserting after all of said line the following:

**“71.275. Notwithstanding any other provision of law to the contrary, if the governing body of any municipality finds it in the public interest that a parcel of land that has not been sold within the previous six months and is contiguous and compact to the existing corporate limits of the municipality and located in an unincorporated area of the county, which is used as a research park, should be located in the municipality, such municipality may annex such parcel, provided that the municipality obtains written consent of all the property owners located within the unincorporated area of such parcel. For purposes of this section, the term “research park” shall mean an area developed by a university to be used by technology-intensive and research-based companies as a business location, and a parcel of land shall be considered “sold” when there is a change in at least fifty-one percent of the property’s ownership in a transaction that involves a buyer or buyers and a seller or sellers, but shall not include a partial divestment of such real property or any transaction in which ownership is vested in whole or in part in a subsidiary, affiliate, partner, joint venturer, or other entity to the owner.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered SA 7:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 21, Section 32.115, Line 12 of said page, by inserting immediately after all of said line the following:

**“67.110. 1. Each political subdivision in the state, except counties and any political subdivision located at least partially within any county with a charter form of government or any political subdivision located at least partially within any city not within a county, shall fix its ad valorem property tax rates as provided in this section not later than September first for entry in the tax books. Each political subdivision located, at least partially, within a county with a charter form of government or within a city not within a county shall fix its ad valorem property tax rates as provided in this section not later than October first for entry in the tax books for each calendar year after December 31, 2008. Before the governing body of each political subdivision of the state, except counties, as defined in section 70.120, RSMo, fixes its rate of taxation, its budget officer shall present to its governing body the following information for each tax rate to be levied: the assessed valuation by category of real, personal and other tangible property in the political subdivision as entered in the tax book for the fiscal year for which the tax is to be levied, as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivisions for the preceding taxable year, the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rate proposed to be set. Should any political subdivision whose taxes are collected by the county collector of revenue fail to fix its ad valorem property tax rate by [September first] **the date provided under this section for such political subdivision**, then no tax rate other than the rate, if any, necessary to pay the interest and principal on any outstanding bonds shall be certified for that year.**

2. The governing body shall hold at least one public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The governing body shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one newspaper qualified under the laws of the state of Missouri of general circulation in the county within which

all or the largest portion of the political subdivision is situated, or such notice shall be posted in at least three public places within the political subdivision; except that, in any county of the first class having a charter form of government, such notice may be published in a newspaper of general circulation within the political subdivision even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the political subdivision for the fiscal year for which the tax is to be levied as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivision for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this chapter. Following the hearing the governing body of each political subdivision shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this section absolves political subdivisions of responsibilities under section 137.073, RSMo, nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

3. Each political subdivision of the state shall fix its property tax rates in the manner provided in this section for each fiscal year which begins after December 31, 1976. New or increased tax rates for political subdivisions whose taxes are collected by the county collector approved by voters after September first of any year shall not be included in that year's tax levy except for any new tax rate ceiling approved pursuant to section 71.800, RSMo.

4. In addition to the information required under subsections 1 and 2 of this section, each political subdivision shall also include the increase in tax revenue due to an increase in assessed value as a result of new construction and improvement and the increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted.”; and

Further amend said bill, page 158, section 135.967, line 25, by inserting immediately after all of said line the following:

“137.073. 1. As used in this section, the following terms mean:

(1) “General reassessment”, changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) “Tax rate”, “rate”, or “rate of levy”, singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) “Tax rate ceiling”, a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate[; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year]. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, or as excess home dock city or county fees as provided in subsection 4 of section 313.820, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that **for all tax years beginning on or after January 1, 2009 but ending on or before December 31, 2013, the rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. For all tax years beginning on or after January 1, 2014, all political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate may not exceed the most recent voter-approved rate. For the 2009 tax year, any political subdivision may levy a rate sufficient to generate substantially the same amount of tax revenue as was produced in the 2007 tax year from all taxable property, exclusive of any new construction or improvements attributable to tax years 2008 and 2009, except that such rate shall not exceed the greater of the rate in effect for the 1984 tax year or the most recent voter approved tax rate. Provisions of section 163.021, RSMo, to the contrary notwithstanding, any school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri constitution and under subdivision 4 of subsection 5 of this section, if such tax rate does not exceed**

**the highest tax rate in effect subsequent to the 1980 tax year. Provisions of section 163.021, RSMo, to the contrary notwithstanding, for all tax years beginning on or after January 1, 2014, any school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri constitution and under subdivision 4 of subsection 5 of this section if such tax rate does not exceed the most recent voter- approved tax rate.** Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which

would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term “improvements” shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the

increase in such index on the latest twelve-month basis available on February first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term “property” means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.



(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision (4) of this subsection. Nothing in this section shall be construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is required under the provisions of this section or from seeking voter approval of a reduction to such political subdivision's tax rate ceiling.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate

ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo, or otherwise contested. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by

the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Champion offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 50, Section 99.1205, Line 3 of said page, by inserting after all of said line the following:

“100.265. 1. There is hereby created within the department of economic development the “Missouri Development Finance Board”, which shall constitute a body corporate and politic and shall consist of twelve members, including the lieutenant governor, the director of the department of economic development, the director of the department of natural resources, and the director of the department of agriculture. No more than five members appointed by the governor to the board shall be of the same political party. Except for the lieutenant governor, the director of the department of economic development, the director of the department of natural resources, and the director of the department of agriculture, all members shall be appointed by the governor by and with the advice and consent of the senate, and shall serve for terms of four years. The persons serving as members of the Missouri economic development, export and infrastructure board on August 28, 1994, shall become members of the Missouri development finance board for terms to expire at the same time their terms would have expired if they had remained members of the Missouri economic development, export and infrastructure board. The Missouri development finance board shall replace the Missouri economic development, export and infrastructure board. All moneys, property, any other assets or liabilities of the Missouri economic development, export and infrastructure board on August 28, 1994, shall be transferred to the Missouri development finance board. All powers, duties and functions performed by the Missouri economic development, export and infrastructure board pursuant to sections 100.250 to 100.297 shall be transferred to the Missouri development finance board.

2. Each member of the board appointed by the governor shall have resided in this state for at least five years prior to appointment. Except for the lieutenant governor, director of the department of economic development, the director of the department of natural resources, and the director of the department of agriculture, no person may be appointed to the board who is an elected officer or employee of the state, or

any agency, board, commission, or authority established by the state.

3. The governor shall designate one of the members of the board to serve as chairman. The board shall meet at such times and places it shall designate. Seven members shall constitute a quorum. No vacancy in the membership shall impair the right of a quorum of the members to exercise all of the rights and powers and to perform all of the duties of the board.

4. Members of the board shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties.

**5. Any member of the board or any relative of such member within the second degree of consanguinity shall be ineligible for issuance or redemption of any state tax credit administered by the board for the entire tenure of such member and the three years immediately following the expiration of such member's term.”; and**

Further amend the title and enacting clause accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Champion offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 176, Section 253.550, Line 12, by inserting immediately after the number “5.” the following:

**“The department shall, no later than the first day of August of each year, provide the general assembly with a report specifying the amount of tax credits authorized under the provisions of sections 253.545 to 253.559 during the previous fiscal year and state with specificity the amount of tax credits allocated to projects within each county of the state for such fiscal year.”.**

Senator Champion moved that the above amendment be adopted.

Senator Dempsey assumed the Chair.

Senator Smith offered **SSA 1** for **SA 9**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 152, Section 135.821, Line 11, by inserting immediately after the word “RSMo,” the following:

**“the historic preservation tax credit program created pursuant to sections 253.545 to 253.559, RSMo,”; and**

Further amend said bill, pages 174-176, section 253.550, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above substitute amendment be adopted.

At the request of Senator Champion, **SA 9** was withdrawn, rendering the pending substitute amendment moot.

Senator Shoemyer offered **SA 10**:

## SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 40, Section 99.960, Line 22 of said page, by inserting after all of said line the following:

“99.1090. 1. A municipality shall submit an application to the department of economic development for review and determination as to approval of the disbursement of the project costs of one or more redevelopment projects from the downtown revitalization preservation fund. The department of economic development shall forward the application to the commissioner of the office of administration for approval. In no event shall any approval authorize a disbursement of one or more redevelopment projects from the downtown revitalization preservation fund which exceeds the allowable amount of other net new revenues derived from the redevelopment area. An application submitted to the department of economic development shall contain the following, in addition to the items set forth in section 99.1086:

(1) An estimate that one hundred percent of the local sales tax increment deposited to the special allocation fund must and will be used to pay redevelopment project costs or obligations issued to finance redevelopment project costs to achieve the objectives of the redevelopment plan. **Contributions to the redevelopment project from any private not-for-profit organization or local contributions from tax abatement or other sources may be substituted on a dollar-for-dollar basis for the local match of one hundred percent of economic activity taxes from the fund;**

(2) Identification of the existing businesses located within the redevelopment project area and the redevelopment area;

(3) The aggregate baseline year amount of state sales tax revenues reported by existing businesses within the redevelopment project area. Provisions of section 32.057, RSMo, notwithstanding, municipalities will provide this information to the department of revenue for verification. The department of revenue will verify the information provided by the municipalities within forty-five days of receiving a request for such verification from a municipality;

(4) An estimate of the state sales tax increment within the redevelopment project area after redevelopment. The department of economic development shall have the discretion to exempt smaller projects from this requirement;

(5) An affidavit that is signed by the developer or developers attesting that the provision of subdivision (2) of subsection 2 of section 99.1086 has been met;

(6) The amounts and types of other net new revenues sought by the applicant to be disbursed from the downtown revitalization preservation fund over the term of the redevelopment plan;

(7) The methodologies and underlying assumptions used in determining the estimate of the state sales tax increment; and

(8) Any other information reasonably requested by the department of economic development.

2. The department of economic development shall make all reasonable efforts to process applications within a reasonable amount of time.

3. The department of economic development shall make a determination regarding the application for a certificate allowing disbursements from the downtown revitalization preservation fund and shall forward such determination to the commissioner of the office of administration. In no event shall the amount of disbursements from the downtown revitalization preservation fund approved for a project, in addition to any

other state economic redevelopment funding or other state incentives, exceed the projected state benefit of the redevelopment project, as determined by the department of economic development through a cost-benefit analysis. Any political subdivision located either wholly or partially within the redevelopment area shall be permitted to submit information to the department of economic development for consideration in its cost-benefit analysis. Upon approval of downtown revitalization preservation financing, a certificate of approval shall be issued by the department of economic development containing the terms and limitations of the disbursement.

4. At no time shall the annual amount of other net new revenues approved for disbursements from the downtown revitalization preservation fund exceed fifteen million dollars.

5. Redevelopment projects receiving disbursements from the downtown revitalization preservation fund shall be limited to receiving such disbursements for twenty-five years. The approved term notwithstanding, downtown revitalization preservation financing shall terminate when redevelopment financing for a redevelopment project is terminated by a municipality.

6. The municipality shall deposit payments received from the downtown revitalization preservation redevelopment fund in a separate segregated account for other net new revenues within the special allocation fund.

7. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the downtown revitalization preservation fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the downtown revitalization preservation fund created under section 99.1092.

8. A redevelopment project approved for downtown revitalization preservation financing shall not thereafter elect to receive tax increment financing under the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, and continue to receive downtown revitalization financing under sections 99.1080 to 99.1092.

9. The department of economic development may establish the procedures and standards for the determination and approval of applications by the promulgation of rules and publish forms to implement the provisions of this section and section 99.1092.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section and section 99.1092 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section, section 99.1092, and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 11**:

#### SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 191, Page 237, Section 620.1041, Line 23 of said page, by striking the word “thirty” and inserting in lieu thereof the following: “ten”.

Senator Shoemyer moved that the above amendment be adopted, which motion failed.

Senator Schmitt offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 179, Section 320.093, Line 5 of said page, by inserting immediately after said line the following:

**“348.268. 1. This section shall be known and may be cited as the “Proof of Concept Technology Business Finance Program Act”.**

**2. There is hereby created within the Missouri technology investment fund established under section 348.264 an account to be known as the “Proof of Concept Technology Business Finance Program Account”. The account shall consist of all moneys which may be appropriated to it by the general assembly, and also any gifts, contributions, grants, or bequests received from federal, private or other sources. The account shall also consist of payments on loans made from the account by the Missouri technology corporation under the proof of concept technology business finance program. Moneys for the proof of concept technology business finance program established under this section shall be available from appropriations made by the general assembly from the proof of concept technology business finance program account of the Missouri technology investment fund. Any moneys remaining in the proof of concept technology business finance program account at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, RSMo, but shall remain in the proof of concept technology business finance program account.**

**3. (1) The Missouri technology corporation may use moneys in the proof of concept technology business finance program account, as appropriated, to make one-time loans to a company that is at the early development stage of commercializing advanced technology.**

**(2) The loan amount to any single advanced technology company shall not exceed seventy-five thousand dollars, provided that no more than one million two hundred fifty thousand dollars shall be available for loans to advanced technology companies per year.**

**(3) Loans shall be repaid to the Missouri technology corporation in an amount equal to two times the amount loaned. Repayment shall take place no later than five years from the date of the loan. Early repayment will result in prorating of the repayment amount.**

**(4) The Missouri technology corporation's loan shall be leveraged dollar-for-dollar by at least one additional equity investment in the company.**

**(5) Eligible advanced technology industries shall include animal health, biotechnology, information technology, communications technology, aerospace, electronics, robotics, medical devices and instruments, telecommunications, plant sciences, and energy. Ineligible company industries include banking and lending, development, management and investment companies, finance, insurance, mining, oil and gas exploration, real estate, wholesale, and retail.**

**(6) Eligible companies shall be technology-based, sufficiently innovative to provide a competitive advantage in the marketplace, and have the potential for significant, high performance growth.**

**(7) An eligible company shall have fifty percent or more of its employees and assets in Missouri.**

**(8) An eligible company shall have average wage levels at least thirty-five percent higher than the average county wage level as determined by the department of economic development for the most recently completed full calendar year.**

**(9) An eligible company shall be at the early development stage of commercializing an advanced technology.**

**(10) An eligible company, at the time a proof of concept loan is made to that company, shall be a small business concern that meets the requirements of the United States Small Business Administration's qualification size standards for its business loan program, as defined in 13 CFR 121.301(a) of the Small Business Investment Act of 1958, as amended.**

**4. Eligible use of the proceeds of a proof of concept program loan include intellectual property development, building prototypes, market studies, identifying and securing a management team, and business operations.**

**5. The Missouri technology corporation may make proof of concept loans to eligible advanced technology companies only after:**

**(1) Receipt of an application from the company that contains:**

**(a) A business plan including a description of the company and its management, product, and market;**

**(b) A statement of the amount, timing, and projected use of the capital required;**

**(c) A statement of the potential economic impact of the advanced technology company, including the number, location, and types of jobs expected to be created; and**

**(d) Such other information as the Missouri technology corporation board of directors shall request;**

**(2) Approval of the loan by the Missouri technology corporation, which may be made after the board of directors finds, based upon the application submitted by the company and such additional investigation as the staff of the Missouri technology corporation shall make that:**

**(a) The proceeds of the loan will be used only to cover the proof of concept capital needs of the company;**

**(b) The company has a reasonable chance of success;**

**(c) The Missouri technology corporation's participation is instrumental to the success of the company and will assist in its retention within the state;**

**(d) The Missouri technology corporation's loan is leveraged by at least one additional equity investment in the company;**

**(e) The company has the reasonable potential to enhance employment opportunities within the state;**

**(f) The entrepreneur and other founders of the company have already made or are contractually committed to make an appropriate financial and time commitment to the enterprise;**

**(g) There is a reasonable possibility that the Missouri technology corporation will be repaid the**



loan as provided for in this section; and

(h) Binding commitments have been made to the Missouri technology corporation by the company for adequate reporting of financial data to the Missouri technology corporation, which shall include a requirement for an annual report, or if required by the board, an annual audit of the financial and operational records of the company.

6. The Missouri technology corporation may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered SA 13, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 264, Section 1, Line 4, by inserting immediately after all of said line the following:

“Section 2. This section shall be known and may be cited as the Vandalay Industries and KramERICA Tax Credit Program. For fiscal year 2010, and each fiscal year thereafter no more than ten million dollars in tax credits shall be made available for qualified oil tanker liner technology and condiment combination lab to market ventures.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

At the request of Senator Rupp, SA 13 was withdrawn.

Senator Green offered SA 14, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 55, Section 100.286, Line 18, by inserting at the end of said line the following: “No tax credits provided under this section or section 100.297 shall be issued for projects involving the construction of facilities which shall in any way be utilized by a professional sports team.”.

Senator Green moved that the above amendment be adopted.

At the request of Senator Green, SA 14 was withdrawn.

Senator Smith offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 191, Page 16, Section 32.115, Lines 17-26, by striking all of said lines and inserting in lieu thereof the following: **“allocated shall be authorized. In any fiscal year for which an”**; and

Further amend said bill, page 152, section 135.821, line 11, by inserting immediately after the word “RSMo,” the following:

**“the youth opportunities tax credit created pursuant to section 135.460,”.**

Senator Smith moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Crowell, Engler, Griesheimer and Shoemyer.

**SA 15** failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Crowell	Days	Dempsey	Goodman	Schmitt	Smith
Wright-Jones—9							

NAYS—Senators

Barnitz	Champion	Engler	Green	Griesheimer	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Scott
Shields	Shoemyer	Stouffer	Wilson—20				

Absent—Senators

Clemens	Cunningham	Justus—3
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Absent with leave—Senators

Bartle	Vogel—2
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Vacancies—None

Senator Crowell offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 54, Section 100.286, Line 18, by striking the word “The”; and further amend lines 19-28, by striking all of said lines; and

Further amend said bill and section, page 55, lines 1-2, by striking all of said lines and inserting in lieu thereof the following: **“Taxpayers shall file, with the”**.

Senator Crowell moved that the above amendment be adopted.

Senator Crowell offered **SSA 1** for **SA 16**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 54, Section 100.286, Lines 10-11, by striking the words “ten million dollars” and inserting in lieu thereof the following: **“fifteen million dollars”**; and further amend line 15, by striking the words “ten million dollars” and inserting in lieu thereof the following: **“fifteen million dollars”**; and further amend line 18, by striking the word “The”; and further amend lines 19-28, by striking all of said lines; and

Further amend said bill and section, page 55, lines 1-2, by striking all of said lines and inserting in lieu thereof the following: “**Taxpayers shall file, with the**”.

Senator Crowell moved that the above amendment be adopted.

Senator Crowell offered **SA 1** to **SSA 1** for **SA 16**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 16

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 16 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 1, Section 100.286, Line 3, by striking the words “fifteen million dollars” and inserting in lieu thereof the following: “**one dollar**”; and further amend lines 5-6 of said amendment, by striking the words “fifteen million dollars” and inserting in lieu thereof the following: “**one dollar**”.

Senator Crowell moved that the above amendment be adopted.

Senator Crowell requested a roll call vote be taken on the adoption of **SA 1** to **SSA 1** for **SA 16**; **SSA 1** for **SA 16**; and **SA 16**. He was joined in his requests by Senators Ridgeway, Lembke, McKenna and Smith.

**SA 1** to **SSA 1** for **SA 16** failed of adoption by the following vote:

YEAS—Senators

Crowell	Green	Lembke	Mayer	Ridgeway—5
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NAYS—Senators

Barnitz	Bray	Callahan	Champion	Days	Dempsey	Engler	Goodman
Griesheimer	Justus	Lager	McKenna	Nodler	Pearce	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Wilson	Wright-Jones—24

Absent—Senators

Clemens	Cunningham	Purgason—3
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Absent with leave—Senators

Bartle	Vogel—2
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Vacancies—None

**SSA 1** for **SA 16** was again taken up.

Senator Crowell moved that the above substitute amendment be adopted, which motion failed by the following vote:

YEAS—Senators

Barnitz	Crowell	Justus	Lager	Lembke	Mayer	McKenna	Ridgeway
Rupp	Shoemyer	Smith	Stouffer—12				

NAYS—Senators

Bray	Callahan	Champion	Cunningham	Days	Dempsey	Engler	Goodman
Griesheimer	Pearce	Schaefer	Schmitt	Scott	Shields	Wilson	Wright-Jones—16

## Absent—Senators

Clemens          Green          Purgason—3

## Absent with leave—Senators

Bartle          Nodler          Vogel—3

## Vacancies—None

Senator Rupp assumed the Chair.

**SA 16** was again taken up.

Senator Crowell moved that the above amendment be adopted, which motion failed by the following vote:

## YEAS—Senators

Barnitz          Crowell          Green          Lembke          Mayer          Ridgeway          Shoemyer          Smith—8

## NAYS—Senators

Bray	Callahan	Champion	Cunningham	Days	Dempsey	Engler	Goodman
Griesheimer	Justus	Lager	McKenna	Pearce	Rupp	Schaefer	Schmitt
Scott	Shields	Stouffer	Wilson	Wright-Jones—21			

## Absent—Senators

Clemens          Purgason—2

## Absent with leave—Senators

Bartle          Nodler          Vogel—3

## Vacancies—None

At the request of Senator Griesheimer, **HCS** for **HB 191**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 71**; **SCS** for **SB 538**; and **SCS** for **SB 549**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### REFERRALS

President Pro Tem Shields referred **SCS** for **SB 538** to the Committee on Governmental Accountability and Fiscal Oversight.

### INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, Erv Johnson, Cape Girardeau.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Kit Young, M.D., St. Louis.

Senator Wilson introduced to the Senate, Eric Collins, Leawood, Kansas.

Senator Nodler introduced to the Senate, Cookie Estrada, Joplin.

Senator Shields introduced to the Senate, Mark Cartledge, Dan Kappel, Marilyn Robb, Erik and Scott Sommer, Cenia D. Boxman, Larry Davis, Mary Jo Eiberger, representatives of the YMCA from around the state.

Senator Champion introduced to the Senate, Lacy Nunnely and students from Evangel University, Springfield.

Senator Clemens introduced to the Senate, coaches Jerry Songer, Michael Willis and James Lafferty, parents and members of the Class 2 State Champion Sparta High School girls basketball team, Tashina Tennis, Kayla Case, Kayla, Dallis and Torie Coffey, Brooke and Alison Stevens, April Crosswhite, Courtney Baughman, Mikalah Hardcastle and Paige Watkins.

Senator Schmitt introduced to the Senate, Tim Dorsey, Manchester; and David Brown, Lake Ozark.

Senator Schmitt introduced to the Senate, Jessica, Stephen and Brendon Spears, Affton.

Senator Lager introduced to the Senate, representatives of Midland Empire Resources for Independent Living, St. Joseph and the 12th Senatorial District.

Senator Pearce introduced to the Senate, Whiteman Air Force Base Spouses; members of Warrensburg Chamber of Commerce and members of Knob Noster Chamber of Commerce.

Senator Cunningham introduced to the Senate, Thomas Stevenson and Jamey Murphy, Chesterfield.

Senator Purgason introduced to the Senate, Brenda Bell, Brandon Maxwell, Iva Highfill, Craig Klein, Eric Gibson, Melissa Robbins, Bill Doig, Jim Vokac, Jenny Flatt, Josh Redfield, Patrick Reid, Louise Cook, Karen Gilliam and Elizabeth Grisham, Howell County.

Senator Shields introduced to the Senate, Mary Shuman, Jamie Roe, Kathy Crawford, Leila Hicks and Guadalupe A. Hernandez, St. Joseph.

Senator Nodler introduced to the Senate, Brandon, Katie and Blake Casey, Goodman; Josh Casey, Joplin; Caleb, Layne and Kyla Hinz, Neosho; Rayma and Kyle Hinz, and Whitney and Tanner Hollaway; and Layne, Kyla and Blake were made honorary pages.

Senator Nodler introduced to the Senate, Fire Chief Andy Nimmo, Redings Mill.

Senator Ridgeway introduced to the Senate, Glenn Dittmar, Faucett; and Janet Cain, Braymer.

Senator Champion introduced to the Senate, members of Missouri State Orthopaedic Association.

Senator Ridgeway introduced to the Senate, Nathan and Brenna Willett, Liberty.

Senator McKenna introduced to the Senate, John, Mary, Louise and Jack Gilmore, Dundalk, Ireland.

Senator Rupp introduced to the Senate, Tabitha Couch, Wright City; and Matt Lindewirter, Wentzville.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

FIFTIETH DAY—THURSDAY, APRIL 9, 2009

## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCS for HJR 10

## THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp  
 (In Fiscal Oversight)  
 SCS for SBs 207 & 245-Rupp  
 (In Fiscal Oversight)  
 SS for SCS for SB 306-Dempsey  
 (In Fiscal Oversight)  
 SS for SCS for SB 558-Mayer  
 (In Fiscal Oversight)

SS for SB 172-Green  
 SCS for SB 123-Griesheimer  
 SCS for SB 71-Stouffer  
 SCS for SB 538-Champion  
 (In Fiscal Oversight)  
 SCS for SB 549-Schmitt

## SENATE BILLS FOR PERFECTION

SB 542-Pearce, with SCS  
 SB 254-Barnitz and Shoemyer  
 SB 383-Dempsey, with SCS  
 SBs 453 & 24-Mayer, with SCS

SB 495-Griesheimer, with SCS  
 SB 376-Lager and Callahan, with SCS  
 SB 299-Griesheimer, with SCS

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

## SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
 SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB 29-Stouffer

SBs 45, 212, 136, 278, 279, 285 & 288-Pearce  
 and Smith, with SCS & SS#3 for SCS (pending)  
 SB 57-Stouffer, with SCS & SA 1 (pending)  
 SB 72-Stouffer, with SCS

SB 94-Justus, et al, with SCS & SS for SCS  
(pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)  
SB 228-Scott, with SCS, SS for SCS, SA 12,  
SSA 1 for SA 12 & SA 1 to SSA 1 for SA 12  
(pending)  
SB 236-Lembke  
SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS & SS#3 for SCS (pending)  
SB 264-Mayer

SB 267-Mayer and Green, with SA 1 (pending)  
SB 284-Lembke, et al  
SB 321-Days, et al, with SCS (pending)  
SBs 335 & 16-Rupp, with SCS  
SB 363-Griesheimer, with SCS, SS for SCS  
and SA 2 (pending)  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)  
SB 527-Nodler and Bray  
SB 555-Lager, with SCS, SS for SCS & SA 2  
(pending)  
SB 572-Dempsey and Justus  
SJR 12-Scott, with SCS (pending)

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS & SS for SCS  
(pending) (Griesheimer)

#### RESOLUTIONS

##### Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

##### To be Referred

SCR 26-Wilson

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# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTIETH DAY—THURSDAY, APRIL 9, 2009**

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The Senate met pursuant to adjournment.

Senator Lager in the Chair.

Reverend Carl Gauck offered the following prayer:

“The good Lord pardon everyone who sets his heart to seek God...” (2 Chronicles 30:18b-9a)

O God, our spirits are continually in need of Your pardoning touch for daily we find ways to miss the mark You have set for us. Give us a new and caring heart and let us communicate that to those we love and receive from those who love us. Watch, we ask, our going out and coming in and bring each of us safely home to celebrate this Easter weekend and rejoice in Your house of prayer. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Schaefer offered Senate Resolution No. 785, regarding Upscale Resale, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 786, regarding 2008-2009 University of Missouri-Columbia men's basketball program, which was adopted.

Senator Clemens offered Senate Resolution No. 787, regarding Lieutenant Trevor Pickett, Nixa, which was adopted.

**THIRD READING OF SENATE BILLS**

**SS** for **SB 172** was placed on the Informal Calendar.

**SCS** for **SB 123**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 123**

An Act to repeal sections 52.290, 52.312, and 54.010, RSMo, and to enact in lieu thereof three new sections relating to county collectors.

Was taken up by Senator Griesheimer.

President Kinder assumed the Chair.

On motion of Senator Griesheimer, **SCS** for **SB 123** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 71**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 71

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for contributions made to developmental disability care providers.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS** for **SB 71** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Bray—1

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

Senator Pearce moved that **SB 542**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 542**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 542

An Act to repeal sections 30.260, 30.270, 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, and to enact in lieu thereof eight new sections relating to the state treasurer, with penalty provisions.

Was taken up.

Senator Pearce moved that **SCS** for **SB 542** be adopted.

Senator Griesheimer assumed the Chair.

Senator Pearce offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 542, Page 11, Section 30.750, Line 53, by striking “or any other public entity in the state”.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

Senator Pearce moved that **SCS** for **SB 542**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 542**, as amended, was declared perfected and ordered printed.

Senator Barnitz moved that **SB 254** be taken up for perfection, which motion prevailed.

Senator Barnitz offered **SS** for **SB 254**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 254

An Act to repeal sections 32.115, 99.1205, 135.484, 135.535, 135.680, and 208.770, RSMo, and to enact in lieu thereof seven new sections relating to the show-me milk credit.

Senator Barnitz moved that **SS** for **SB 254** be adopted.

At the request of Senator Barnitz, **SB 254**, with **SS** (pending), was placed on the Informal Calendar.

Senator Dempsey moved that **SB 383**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 383**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 383

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to contribution rates for the public school retirement system of Missouri.

Was taken up.

Senator Dempsey moved that **SCS** for **SB 383** be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **SB 383** was declared perfected and ordered printed.

Senator Mayer moved that **SB 453** and **SB 24**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 453** and **24**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 453 and 24

An Act to repeal sections 160.534, 163.011, 163.043, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof four new sections relating to education funding, with an effective date for a certain section and an emergency clause.

Was taken up.

Senator Mayer moved that **SCS** for **SBs 453** and **24** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SBs 453** and **24** was declared perfected and ordered printed.

Senator Pearce assumed the Chair.

Senator Griesheimer moved that **SB 495**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 495**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 495

An Act to repeal section 288.330, RSMo, and to enact in lieu thereof one new section relating to employment security.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 495** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 495** was declared perfected and ordered printed.

Senator Lager moved that **SB 376**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 376**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 376

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to energy efficiency investments by electric corporations.

Was taken up.

Senator Lager moved that **SCS** for **SB 376** be adopted.

Senator Ridgeway offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 376, Page 4, Section 393.1124, Line 113, by inserting after all of said line the following:

**“10. Any customer of an electrical corporation that has received a state tax credit under sections 135.350 to 135.362, RSMo, shall not be eligible for any program offered by an electrical corporation under this section.”**

Senator Ridgeway moved that the above amendment be adopted.

At the request of Senator Lager, **SB 376**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**THIRD READING OF SENATE BILLS**

**SS** for **SB 172**, introduced by Senator Green, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 172

An Act to amend chapter 204, RSMo, by adding thereto one new section relating to storm water management charges.

Was called from the Informal Calendar and taken up.

On motion of Senator Green, **SS** for **SB 172** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz      Bartle      Callahan      Champion      Clemens      Crowell      Cunningham      Dempsey

Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—30		

NAYS—Senators

Bray	Smith	Wright-Jones—3
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Absent—Senator Days—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Green, title to the bill was agreed to.

Senator Green moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 599**, entitled:

An Act to repeal section 393.110, RSMo, and to enact in lieu thereof one new section relating to jurisdiction of the public service commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 509**, entitled:

An Act to amend chapter 167, RSMo, by adding thereto three new sections relating to student health.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 187** and **235**, entitled:

An Act to repeal sections 28.160, 41.950, 193.087, 193.215, 347.179, 347.183, 351.047, 351.120, 351.125, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 359.681, 452.400, 452.423, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475,

452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 454.445, 455.010, 476.055, 477.600, 478.003, 478.320, 478.464, 478.513, 478.630, 479.080, 479.260, 485.077, 487.020, 488.012, 517.041, 535.030, 535.120, 566.226, and 630.407, RSMo, and to enact in lieu thereof one hundred nineteen new sections relating to judicial procedures, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 495**, entitled:

An Act to repeal sections 190.308 and 392.460, RSMo, and to enact in lieu thereof two new sections relating to telecommunications, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 299**, entitled:

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to appropriations to the Missouri Arts Council.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Rebecca S. Blackwell, David Crowe and Tiffany L. Daniels, as members of the Missouri Commission on Autism Spectrum Disorders;

Also,

Lafayette Eugene Lacy, as State Supervisor for the Missouri Division of Alcohol and Tobacco Control;

Also,

Emmett W. Fairfax and Nancy M. Nelson, as members of the Missouri Veterans Commission;

Also,

Randy J. Rodgers, as a member of the Missouri Quality Home Care Council;

Also,

Janis VanMeter, as a member of the Missouri Community Service Commission;

Also,

Thomas M. Vansaghi, as a member of the Children's Trust Fund Board;

Also,

John Riffle, as a member of the Land Reclamation Commission.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 148**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 287**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 251**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HBs 93** and **216**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Veterans' Affairs, Pensions and Urban Affairs, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **HCS** for **HB 111**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **HB 861**, begs leave to report that it has considered the same and recommends that the Senate Committee

Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **HB 210**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **HCS** for **HB 214**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **HCS** for **HB 265**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which were referred **HCS** for **HB 397** and **HCS** for **HB 947**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **HB 400**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **HB 593**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **HB 678**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 359**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 537**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.



Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 752**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 269**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 91**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 197**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 453** and **24**; **SCS** for **SB 495**; **SCS** for **SB 542**; and **SCS** for **SB 383**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Pearce assumed the Chair.

## **REFERRALS**

President Pro Tem Shields referred **SCS** for **SB 549** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Shields referred **SCR 26** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## **INTRODUCTIONS OF GUESTS**

Senator Shields introduced to the Senate, Rodney and Karen O'Dell, their children, Matthew, Amanda and Elisabeth; and Hillary Foster, St. Joseph; and Elisabeth was made an honorary page.

Senator Nodler introduced to the Senate, members of the Chamber of Commerce, Leadership Joplin Class 2009.

Senator Bartle introduced to the Senate, Mayor Larry Neidel, his wife, Kathy and their son, Joey, Buckner.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Joel Johnson, M.D., Columbia.

Senator Shields introduced to the Senate, Peggy Pollack, Helen Spencer and fourth grade students from Northland Christian School, Kansas City.

Senator Green introduced to the Senate, Maureen Green, Mrs. Hinrichs, Ms. Dickerson, Ms. Buss, adults and seventy-five fifth grade students from Glasgow Elementary School, St. Louis; and Christopher Hopkins, LaMaya Brown and Myles Walker were made honorary pages.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, April 13, 2009.

## SENATE CALENDAR

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FIFTY-FIRST DAY—MONDAY, APRIL 13, 2009

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HJR 10  
HB 599-Diehl  
HCS for HB 509

HCS for HBs 187 & 235  
HCS for HB 495  
HCS for HB 299

### THIRD READING OF SENATE BILLS

1. SS for SCS for SB 167-Rupp  
(In Fiscal Oversight)
2. SCS for SBs 207 & 245-Rupp  
(In Fiscal Oversight)
3. SS for SCS for SB 306-Dempsey  
(In Fiscal Oversight)
4. SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)

5. SCS for SB 538-Champion  
(In Fiscal Oversight)
6. SCS for SB 549-Schmitt  
(In Fiscal Oversight)
7. SCS for SBs 453 & 24-Mayer
8. SCS for SB 495-Griesheimer
9. SCS for SB 542-Pearce
10. SCS for SB 383-Dempsey

### SENATE BILLS FOR PERFECTION

SB 299-Griesheimer, with SCS

SB 197-Goodman, with SCS

### HOUSE BILLS ON THIRD READING

HB 287-Day, et al

HCS for HB 359, with SCS (Rupp)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

## SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
 SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB 29-Stouffer  
 SBs 45, 212, 136, 278, 279, 285 &  
 288-Pearce and Smith, with SCS &  
 SS#3 for SCS (pending)  
 SB 57-Stouffer, with SCS & SA 1 (pending)  
 SB 72-Stouffer, with SCS  
 SB 94-Justus, et al, with SCS & SS for  
 SCS (pending)  
 SB 174-Griesheimer and Goodman, with  
 SCS, SS#2 for SCS & SA 2 (pending)  
 SCS for SB 189-Shields  
 SBs 223 & 226-Goodman and Nodler, with  
 SCS & SA 1 (pending)  
 SB 228-Scott, with SCS, SS for SCS,  
 SA 12, SSA 1 for SA 12 & SA 1 to SSA 1  
 for SA 12 (pending)  
 SB 236-Lembke  
 SB 254-Barnitz, with SS (pending)

SBs 261, 159, 180 & 181-Bartle and  
 Goodman, with SCS & SS#3 for SCS  
 (pending)  
 SB 264-Mayer  
 SB 267-Mayer and Green, with SA 1  
 (pending)  
 SB 284-Lembke, et al  
 SB 321-Days, et al, with SCS (pending)  
 SBs 335 & 16-Rupp, with SCS  
 SB 363-Griesheimer, with SCS, SS for SCS  
 and SA 2 (pending)  
 SB 364-Clemens and Schaefer  
 SB 376-Lager and Callahan, with SCS &  
 SA 1 (pending)  
 SB 409-Stouffer, with SCS (pending)  
 SB 477-Wright-Jones, with SS (pending)  
 SB 527-Nodler and Bray  
 SB 555-Lager, with SCS, SS for SCS &  
 SA 2 (pending)  
 SB 572-Dempsey and Justus  
 SJR 12-Scott, with SCS (pending)

## HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS & SS for SCS  
 (pending) (Griesheimer)

## CONSENT CALENDAR

House Bills

Reported 4/9

HCS for HB 148, with SCS (Griesheimer)  
 HCS for HB 251

HCS for HBs 93 & 216, with SCS (Barnitz)  
 HCS for HB 111, with SCS

HB 861-Day, with SCS	HB 593-Viebrock
HB 210-Deeken	HB 678-Wasson
HCS for HB 214, with SCS	HB 537-Dixon, et al
HCS for HB 265, with SCS	HCS for HB 752, with SCS
HCS for HB 397 & HCS for HB 947, with SCS	HB 269-Parson, et al, with SCS (Scott)
HB 400-Nasheed, et al	HB 91-Pollock, et al, with SCS (Purgason)

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order (pending)	SCR 14-Schmitt
SCR 7-Pearce	SCR 21-Clemens
SR 207-Lembke and Smith, with SCS & SS for SCS (pending)	SCR 10-Rupp
SCR 11-Bartle, et al	SCR 18-Bartle and Rupp
	SCR 23-Schmitt

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# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTY-FIRST DAY—MONDAY, APRIL 13, 2009**

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The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

## **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Nodler, Chairman of the Committee on Appropriations, Senator Vogel submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 863**, entitled:

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the child witness protection act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 250**, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to use of public lands.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 909**, entitled:

An Act to authorize the conveyance of property owned by the state in Cape Girardeau County.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 30**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 658** and **706**, entitled:

An Act to repeal sections 32.115, 99.1205, 135.484, 135.535, 135.680, and 208.770, RSMo, and to enact in lieu thereof seven new sections relating to the show-me milk credit.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Vogel, the Senate adjourned until 12:00 noon, Tuesday, April 14, 2009.

## SENATE CALENDAR

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FIFTY-SECOND DAY—TUESDAY, APRIL 14, 2009

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HJR 10  
HB 599-Diehl  
HCS for HB 509

HCS for HBs 187 & 235  
HCS for HB 495  
HCS for HB 299

HCS for HB 863  
HCS for HB 250  
HCS for HB 909

HB 30-Brandom, et al  
HCS for HBs 658 & 706

### THIRD READING OF SENATE BILLS

- |   |   |
|---|---|
| 1. SS for SCS for SB 167-Rupp<br>(In Fiscal Oversight)    | 5. SCS for SB 538-Champion<br>(In Fiscal Oversight) |
| 2. SCS for SBs 207 & 245-Rupp<br>(In Fiscal Oversight)    | 6. SCS for SB 549-Schmitt<br>(In Fiscal Oversight)  |
| 3. SS for SCS for SB 306-Dempsey<br>(In Fiscal Oversight) | 7. SCS for SBs 453 & 24-Mayer                       |
| 4. SS for SCS for SB 558-Mayer<br>(In Fiscal Oversight)   | 8. SCS for SB 495-Griesheimer                       |
|   | 9. SCS for SB 542-Pearce                            |
|   | 10. SCS for SB 383-Dempsey                          |

### SENATE BILLS FOR PERFECTION

SB 299-Griesheimer, with SCS

SB 197-Goodman, with SCS

### HOUSE BILLS ON THIRD READING

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| 1. HB 287-Day, et al               | 9. HCS for HB 7, with SCS (Nodler)   |
| 2. HCS for HB 359, with SCS (Rupp) | 10. HCS for HB 8, with SCS (Nodler)  |
| 3. HB 1-Icet (Nodler)              | 11. HCS for HB 9, with SCS (Nodler)  |
| 4. HCS for HB 2, with SCS (Nodler) | 12. HCS for HB 10, with SCS (Nodler) |
| 5. HCS for HB 3, with SCS (Nodler) | 13. HCS for HB 11, with SCS (Nodler) |
| 6. HCS for HB 4, with SCS (Nodler) | 14. HCS for HB 12, with SCS (Nodler) |
| 7. HCS for HB 5, with SCS (Nodler) | 15. HB 13-Icet, with SCS (Nodler)    |
| 8. HCS for HB 6, with SCS (Nodler) |                                      |

### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

### SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer

SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce and Smith, with SCS &  
SS#3 for SCS (pending)  
SB 57-Stouffer, with SCS & SA 1 (pending)



SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for SCS  
(pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)  
SB 228-Scott, with SCS, SS for SCS, SA 12,  
SSA 1 for SA 12 & SA 1 to SSA 1 for SA 12  
(pending)  
SB 236-Lembke  
SB 254-Barnitz, with SS (pending)  
SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS & SS#3 for SCS (pending)  
SB 264-Mayer  
SB 267-Mayer and Green, with SA 1  
(pending)

SB 284-Lembke, et al  
SB 321-Days, et al, with SCS (pending)  
SBs 335 & 16-Rupp, with SCS  
SB 363-Griesheimer, with SCS, SS for SCS  
and SA 2 (pending)  
SB 364-Clemens and Schaefer  
SB 376-Lager and Callahan, with SCS & SA 1  
(pending)  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)  
SB 527-Nodler and Bray  
SB 555-Lager, with SCS, SS for SCS & SA 2  
(pending)  
SB 572-Dempsey and Justus  
SJR 12-Scott, with SCS (pending)

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS & SS for SCS  
(pending) (Griesheimer)

#### CONSENT CALENDAR

##### House Bills

##### Reported 4/9

HCS for HB 148, with SCS (Griesheimer)  
HCS for HB 251  
HCS for HBs 93 & 216, with SCS (Barnitz)  
HCS for HB 111, with SCS  
HB 861-Day, with SCS  
HB 210-Deeken  
HCS for HB 214, with SCS  
HCS for HB 265, with SCS

HCS for HB 397 & HCS for HB 947, with SCS  
HB 400-Nasheed, et al  
HB 593-Viebrock  
HB 678-Wasson  
HB 537-Dixon, et al  
HCS for HB 752, with SCS  
HB 269-Parson, et al, with SCS (Scott)  
HB 91-Pollock, et al, with SCS (Purgason)

#### RESOLUTIONS

##### Reported from Committee

SR 141-Engler, with point of order (pending)

SCR 7-Pearce

SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al  
SCR 14-Schmitt

SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

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# Journal of the Senate

## FIRST REGULAR SESSION

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### FIFTY-SECOND DAY—TUESDAY, APRIL 14, 2009

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Wisdom is the power to see and the inclination to choose the best and highest goal, together with the surest means of attaining it.” (J.I. Packer)

We begin a shortened week while the challenges and decisions we have to make increases. We pray for wisdom, O Lord, that we might find the best way to conduct our business; the laws of the State. Your guidance and patience is surely needed and we pray for it. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, April 9, 2009 and Monday, April 13, 2009 were read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Ridgeway offered Senate Resolution No. 788, regarding Joseph William Landers, III, Smithville, which was adopted.

Senators Engler and Lembke offered Senate Resolution No. 789, regarding Kay Lewandowski, St. Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 790, regarding Pat Honey, which was adopted.

Senator Crowell offered Senate Resolution No. 791, regarding Gloria Cox, which was adopted.

Senator Crowell offered Senate Resolution No. 792, regarding Kevin Miller, which was adopted.

Senator Schaefer offered Senate Resolution No. 793, regarding M. Frederick Hawthorne, Columbia, which was adopted.

Senator McKenna offered Senate Resolution No. 794, regarding Dr. Wayne H. Watts, which was adopted.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

April 09, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Forrest Miller, Jr., Republican, 9100 Appomattox Court, Crestwood, Saint Louis County, Missouri 63123, as a member of the Missouri Community Service Commission, for a term ending April 05, 2012, and until his successor is duly appointed and qualified; vice, RSMo 26.607.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 09, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Anthony Thompson, Democrat, 1100 Sandistan Court, Saint Louis, Saint Louis County, Missouri 63146, as a member of the State Board of Education, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, Derio L. Gambaro, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nanci A. Bobrow, 50 Kingsbury Place, Saint Louis City, Missouri 63112, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2011, and until her successor is duly appointed and qualified; vice, Carol Gasser, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thelma V. Cook, Democrat, 4444 Lindell Boulevard #4, Saint Louis City, Missouri 63108, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2014, and until her successor is duly appointed and qualified; vice, Steven Roberts, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Diza A. Eskridge, Democrat, 712 Spring Street, Weston, Platte County, Missouri 64098, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2014, and until her successor is duly appointed and qualified; vice, Diza A. Eskridge, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Janet E. Farmer, 4323 Raven's Ridge Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2012 and until her successor is duly appointed and qualified; vice, Janet E. Farmer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102  
April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Phillip L. Gould, 102 Lake Forest Drive, Richmond Heights, Saint Louis County, Missouri 63117, as a member of the Seismic Safety Commission, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102  
April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Elizabeth K. Grove, 36970 Monroe Road 370, Monroe City, Monroe County, Missouri 63456, as a member of the Safe Drinking Water Commission, for a term ending September 01, 2010, and until her successor is duly appointed and qualified; vice, John Sullivan, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102  
April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mary A. Long, Democrat, 6500 East 108<sup>th</sup> Street, Kansas City, Jackson County, Missouri 64134, as a member of the University of Central Missouri Board of Governors, for a term ending January 01, 2011, and until her successor is duly appointed and qualified; vice, Mary A. Long, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John F. Mantovani, 8038 Watkins Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2010, and until his successor is duly appointed and qualified; vice, John F. Mantovani, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 10, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rodger D. Owens, Buttry Lane, Wappapello, Wayne County, Missouri 63966, as a member of the Safe Drinking Water Commission, for a term ending September 01, 2010, and until his successor is duly appointed and qualified; vice, Orville Schaefer, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 9, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Marcie A. Luebbert to the Missouri Quality Home Care Commission, submitted on March 23, 2009. Line 4 should be amended as follows:

“RSMo 208.856.”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

**REFERRALS**

President Pro Tem Shields referred **SCS** for **SBs 453** and **24** to the Committee on Governmental Accountability and Fiscal Oversight.

**HOUSE BILLS ON THIRD READING**

**HB 1**, introduced by Representative Icet, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

Senator Rupp assumed the Chair.

On motion of Senator Nodler, **HB 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Clemens      Cunningham      Ridgeway—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 2**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of



Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 2** be adopted.

Senator Nodler offered **SS** for **SCS** for **HCS** for **HB 2**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Senator Nodler moved that **SS** for **SCS** for **HCS** for **HB 2** be adopted, which motion prevailed.

Under the provisions of Senate Rule 91, Senator Mayer was excused from voting.

On motion of Senator Nodler, **SS** for **SCS** for **HCS** for **HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Lager	Lembke	McKenna	Nodler
Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson	Wright-Jones—28				

NAYS—Senators

Justus                      Smith—2

Absent—Senators—None

Absent with leave—Senators

Clemens                      Cunningham                      Ridgeway—3

Excused from voting—Senator Mayer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

**RESOLUTIONS**

Senator Rupp offered Senate Resolution No. 795, regarding Angela C. Canul, Saint Peters, which was adopted.

Senator Wilson offered Senate Resolution No. 796, regarding Donna Brazile, which was adopted.

Senator Schaefer offered Senate Resolution No. 797, regarding RiteCare Valley, Columbia, which was adopted.

Senators Wilson and Justus offered Senate Resolution No. 798, regarding the BE 1! campaign, which was adopted.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 3**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 3**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 3**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 3** be adopted.

Senator Nodler offered **SS** for **SCS** for **HCS** for **HB 3**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 3**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Senator Nodler moved that **SS** for **SCS** for **HCS** for **HB 3** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SCS** for **HCS** for **HB 3** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Justus—1

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 4**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 4** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 4** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
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Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Justus—1

Absent—Senator Cunningham—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 5, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS for HCS for HB 5, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS for HCS for HB 5** be adopted.

Senator Crowell offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 10, Section 5.155, Line 7, by inserting immediately thereafter, the following new section, "5.157 There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Board of Public Buildings Series A 2003 Sinking Fund for the purpose of payment of outstanding Board of Public Buildings

Series A 2003 Bonds callable on October 15, 2013

From General Revenue.....\$241,000,000”;  
and further amend bill totals accordingly.

Senator Crowell moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Crowell offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 7, Section 5.115, Line 5, by deleting the number “\$6,000,000E” and inserting in lieu thereof the following number “\$6,000,000”; and

further amend said section, page 8, line 6, by deleting the number “25,000E” and inserting in lieu thereof the following number “25,000”; and

further amend said section, line 7, by deleting the number “130,000E” and inserting in lieu thereof the following number “130,000”; and

further amend said section, line 8, by deleting the number “2,286E” and inserting in lieu thereof the following number “2,286”; and

further amend said section, line 9, by deleting the number “600,000E” and inserting in lieu thereof the following number “600,000”; and

further amend said section, line 10, by deleting the number “149E” and inserting in lieu thereof the following number “149”; and

further amend said bill, Section 5.120., page 8, line 7, by deleting the number “\$6,757,435E” and inserting in lieu thereof the following number “\$6,757,435”.

Senator Crowell moved that the above amendment be adopted, which motion failed.

Senator Nodler moved that **SCS** for **HCS** for **HB 5** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 5** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Lager	Mayer	McKenna	Nodler
Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

#### NAYS—Senators

Bartle	Crowell	Lembke	Ridgeway—4
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Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Photographers from the Missouri Press Association and Missouri Digital News were given permission to take photographs in the Senate Chamber today.

### **INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, coaches and players of the 2008-2009 University of Missouri Men's Basketball team. Head Coach Mike Anderson assumed the dais and addressed the members of the Senate.

Senator Stouffer assumed the Chair.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HB 83**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 124**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HBs 128** and **340**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 154**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 171**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 218**, begs leave to report

that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 282**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 544**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 652**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 698**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 844**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 895**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 918**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 919**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
April 13, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Derek Collins, Democrat, 2515 South Kingshighway, Saint Louis, Saint Louis County, Missouri 63110 as a student representative of the Harris-Stowe State University Board of Regents, for a term ending December 31, 2009, and until his successor is duly appointed and qualified; vice, Leonard C. Johnson, III, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102  
April 13, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Vernetta Kaye Newsome, 3828 Southwest Sandstone Drive, Lee's Summit, Jackson County, Missouri 64082, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2010, and until her successor is duly appointed and qualified; vice, Donna Ostercamp, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102  
April 14, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Eric Rhone, Democrat, 7 Clayton Court Drive, Frontenac, Saint Louis County, Missouri 63131, as a member of the Tourism Commission, for a term ending January 15, 2012, and until his successor is duly appointed and qualified; vice, Lee Clear, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

**HOUSE BILLS ON THIRD READING**

**HCS for HB 6, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2009 and ending June 30, 2010.



Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Pearce assumed the Chair.

Senator Nodler moved that **SCS** for **HCS** for **HB 6** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 6** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Lager	Mayer	McKenna	Nodler	Pearce
Rupp	Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—26						

NAYS—Senators

Bartle	Justus	Lembke	Ridgeway—4
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Absent—Senators

Green	Purgason	Scott—3
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Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 7**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and

Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 7**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 7** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Page 7, Section 7.080, Line 4, by inserting immediately following said section the following new section

“Section 7.082. To the Department of Economic Development

For the Missouri Business Use Incentives for Large-Scale Development Program (BUILD)

From General Revenue.....\$10,000,000”

Adjust bill totals accordingly

Senator Crowell moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Nodler moved that **SCS** for **HCS** for **HB 7** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 7** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer	McKenna
Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle	Lembke	Ridgeway—3
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Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **RESOLUTIONS**

Senator Wright-Jones offered Senate Resolution No. 799, regarding Victoria Lee Schneider, O'Fallon, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 800, regarding Julie Marie Jacobs, New Cambria, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 801, regarding Saint Cecilia Catholic Church, Saint Louis, which was adopted.

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Dempsey.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 8**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 8**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 8**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 8** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 8** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Lembke—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 9, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS for HCS for HB 9, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS for HCS for HB 9** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS for HCS for HB 9** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Lembke                Smith—2

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 10, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS for HCS for HB 10, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS for HCS for HB 10** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS for HCS for HB 10** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler	Pearce
Purgason	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Vogel
Wilson	Wright-Jones—26						

NAYS—Senators

Bartle	Justus	Lager	Lembke	Ridgeway	Smith	Stouffer—7
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Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 11**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 11**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 11** be adopted.

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 28, Section 11.520, Lines 10-13, by striking all of said lines and inserting in lieu thereof the following:

“185 percent of the federal poverty level; eight percent of the amount of a family’s income”; and

Further amend said section and page, line 21, by deleting the number “\$30,995,887” and inserting in lieu thereof the following number: “\$36,783,393”; and

Further amend said section and page, line 24, by deleting the number “143,683,134” and inserting in lieu thereof the following number: “160,981,013”; and

Further amend section and bill totals accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Justus requested a roll call vote be taken on the adoption of **SA 1** and was joined in her request by Senators Callahan, Shoemyer, Engler and Smith.

**SA 1** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Days	Justus	McKenna	Shoemyer	Smith
Wilson	Wright-Jones—10						

NAYS—Senators

Bartle	Champion	Crowell	Cunningham	Dempsey	Engler	Goodman	Green
Griesheimer	Lager	Lembke	Mayer	Nodler	Pearce	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Stouffer	Vogel—22		

Absent—Senator Purgason—1

Absent with leave—Senator Clemens—1

Vacancies—None

Senator Nodler moved that **SCS** for **HCS** for **HB 11** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 11** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler	Pearce
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—26						

NAYS—Senators

Bartle	Justus	Lager	Lembke	Ridgeway	Smith—6
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Absent—Senator Purgason—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

## COMMUNICATIONS

Senator Griesheimer submitted the following:

April 14, 2009

Terry Spieler  
Secretary of the Senate  
Missouri State Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler:

I respectfully request under Senate Rule 45 that HCS for HB 148, with SCS, be removed from the Consent Calendar.

Please return this bill to the Senate Jobs, Economic Development and Local Government Committee at your earliest convenience.

Thank you for your attention to this matter.

Sincerely,

/s/ John

John E. Griesheimer

### INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Bryan, Sarah and Caleb Kretzinger, St. Joseph; and Caleb was made an honorary page.

Senator Rupp introduced to the Senate, his father, Chester E. Rupp, St. Charles.

Senator Lembke introduced to the Senate, Georgia Wright, Angie and Madalyn Porter, and Christina Mueller, St. Louis; and Christina and Madalyn were made honorary pages.

Senator Lager introduced to the Senate, Dawn Black, parents, and sixteen fourth grade students from Southwest Livingston County Elementary School, Ludlow.

Senator Bray introduced to the Senate, Joan Patton and twenty-three eighth grade students from Saint Mary Magdalen School, Brentwood.

Senator Pearce introduced to the Senate, Valo Jones and Marilyn Louinger, Kalee Woody, Caitlin Wallace, Ashley McKinley and Kassidy Fry, Vernon County.

Senator Smith introduced to the Senate, Joe Keaveny, St. Louis.

Senator Bartle introduced to the Senate, Aaron, Stacy, Madison and Kaitlyn Guest, Lee's Summit.

On motion of Senator Engler, the Senate adjourned under the rules.

### SENATE CALENDAR

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FIFTY-THIRD DAY—WEDNESDAY, APRIL 15, 2009

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### FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HJR 10  
HB 599-Diehl

HCS for HB 509  
HCS for HBs 187 & 235



HCS for HB 495  
HCS for HB 299  
HCS for HB 863  
HCS for HB 250

HCS for HB 909  
HB 30-Brandom, et al  
HCS for HBs 658 & 706

### THIRD READING OF SENATE BILLS

- |   |  |
|---|--|
| 1. SS for SCS for SB 167-Rupp<br>(In Fiscal Oversight)    | 6. SCS for SB 549-Schmitt<br>(In Fiscal Oversight)     |
| 2. SCS for SBs 207 & 245-Rupp<br>(In Fiscal Oversight)    | 7. SCS for SBs 453 & 24-Mayer<br>(In Fiscal Oversight) |
| 3. SS for SCS for SB 306-Dempsey<br>(In Fiscal Oversight) | 8. SCS for SB 495-Griesheimer                          |
| 4. SS for SCS for SB 558-Mayer<br>(In Fiscal Oversight)   | 9. SCS for SB 542-Pearce                               |
| 5. SCS for SB 538-Champion<br>(In Fiscal Oversight)       | 10. SCS for SB 383-Dempsey                             |

### SENATE BILLS FOR PERFECTION

SB 299-Griesheimer, with SCS

SB 197-Goodman, with SCS

### HOUSE BILLS ON THIRD READING

HB 287-Day, et al (Mayer)  
HCS for HB 359, with SCS (Rupp)

HCS for HB 12, with SCS (Nodler)  
HB 13-Icet, with SCS (Nodler)

### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

### SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer

SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce and Smith, with SCS &  
SS#3 for SCS (pending)  
SB 57-Stouffer, with SCS & SA 1 (pending)

SB 72-Stouffer, with SCS  
 SB 94-Justus, et al, with SCS & SS for  
   SCS (pending)  
 SB 174-Griesheimer and Goodman, with  
   SCS, SS#2 for SCS & SA 2 (pending)  
 SCS for SB 189-Shields  
 SBs 223 & 226-Goodman and Nodler, with  
   SCS & SA 1 (pending)  
 SB 228-Scott, with SCS, SS for SCS, SA 12,  
   SSA 1 for SA 12 & SA 1 to SSA 1  
   for SA 12 (pending)  
 SB 236-Lembke  
 SB 254-Barnitz, with SS (pending)  
 SBs 261, 159, 180 & 181-Bartle and  
   Goodman, with SCS & SS#3 for SCS  
   (pending)  
 SB 264-Mayer

SB 267-Mayer and Green, with SA 1  
   (pending)  
 SB 284-Lembke, et al  
 SB 321-Days, et al, with SCS (pending)  
 SBs 335 & 16-Rupp, with SCS  
 SB 363-Griesheimer, with SCS, SS for SCS  
   and SA 2 (pending)  
 SB 364-Clemens and Schaefer  
 SB 376-Lager and Callahan, with SCS &  
   SA 1 (pending)  
 SB 409-Stouffer, with SCS (pending)  
 SB 477-Wright-Jones, with SS (pending)  
 SB 527-Nodler and Bray  
 SB 555-Lager, with SCS, SS for SCS &  
   SA 2 (pending)  
 SB 572-Dempsey and Justus  
 SJR 12-Scott, with SCS (pending)

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS & SS for SCS  
   (pending) (Griesheimer)

#### CONSENT CALENDAR

##### House Bills

##### Reported 4/9

HCS for HB 251 (Clemens)  
 HCS for HBs 93 & 216, with SCS (Barnitz)  
 HCS for HB 111, with SCS (Crowell)  
 HB 861-Day, with SCS (Crowell)  
 HB 210-Deeken (Crowell)  
 HCS for HB 214, with SCS (Dempsey)  
 HCS for HB 265, with SCS  
 HCS for HB 397 & HCS for HB 947, with SCS

HB 400-Nasheed, et al  
 HB 593-Viebrock  
 HB 678-Wasson (Goodman)  
 HB 537-Dixon, et al  
 HCS for HB 752, with SCS (Stouffer)  
 HB 269-Parson, et al, with SCS (Scott)  
 HB 91-Pollock, et al, with SCS (Purgason)

##### Reported 4/14

HB 83-Wood, with SCS (Goodman)  
 HCS for HB 124  
 HCS for HBs 128 & 340 (Scott)

HCS for HB 154 (Shields)  
 HB 171-Cox, et al, with SCS  
 HB 218-Ervin

HB 282, Stevenson, et al  
HB 544-Smith (150), et al, with SCS  
(Goodman)  
HB 652-Pratt  
HB 698-Zimmerman, et al

HCS for HB 844  
HCS for HB 895  
HB 918-Kelly  
HB 919-Ruestman, et al (Goodman)

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

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# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTY-THIRD DAY—WEDNESDAY, APRIL 15, 2009**

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The Senate met pursuant to adjournment.

President Pro Tem Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

“Because of God’s grace, failure is never final.” (Anonymous)

Almighty God, we know that today will be filled with various bills for us to consider and we so desire not to pass any that will be a burden or failure for the people of our state. So once again we pray for Your help and directions to follow a road that will lead to success. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV and Missouri Digital News were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Mayer offered Senate Resolution No. 802, regarding the 2008-2009 State Champion Portageville High School boys basketball team, which was adopted.

Senator Mayer offered Senate Resolution No. 803, regarding Holly Jones, which was adopted.

Senator Mayer offered Senate Resolution No. 804, regarding Taylor Wake, which was adopted.

Senator Mayer offered Senate Resolution No. 805, regarding Mallory Brown, which was adopted.

Senator Mayer offered Senate Resolution No. 806, regarding Leah King, which was adopted.

Senator Mayer offered Senate Resolution No. 807, regarding Samantha Green, which was adopted.

Senator Mayer offered Senate Resolution No. 808, regarding Laurel Scales Jones, which was adopted.

Senator Shoemyer offered Senate Resolution No. 809, regarding the Northeast Missouri Regional Planning Commission, Memphis, which was adopted.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 12**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 12**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 12**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate

Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 12** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 12** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Lembke—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 272**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 525**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred

**HCS** for **HB 231**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 740**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **HCS** for **HB 237**; **HB 238**; and **HB 482**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 826**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 866**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **HCS** for **HB 177** and **HCS** for **HB 622**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 685**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 253**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 89**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 867**, begs leave to report

that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 683**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SBs 207** and **245**, begs leave to report that it has considered the same and recommends that the bill do pass.

### HOUSE BILLS ON THIRD READING

**HB 13**, with **SCS**, introduced by Representative Icet, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS** for **HB 13**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS** for **HB 13** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HB 13** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32



NAYS—Senators—None

Absent—Senators

Dempsey            Scott—2

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 363**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Engler assumed the Chair.

At the request of Senator Griesheimer, **SS** for **SCS** for **SB 363** was withdrawn, rendering the pending amendment moot.

Senator Griesheimer offered **SS No.2** for **SCS** for **SB 363**, entitled:

#### SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 363

An Act to repeal sections 32.063, 136.055, 144.060, 144.070, 301.280, and 301.562, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicle dealers, with penalty provisions.

Senator Griesheimer moved that **SS No.2** for **SCS** for **SB 363** be adopted.

Senator Green offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 363, Page 2, Section 136.055, Line 25 of said page, by inserting immediately after the word “revenue” the following: **“as provided in subsection 2 of this section”**; and

Further amend said bill and section, page 3, line 26 of said page, by inserting immediately after said line the following:

**“2. The director of revenue shall award fee office contracts under this section through a competitive bidding process. The bidding process shall give priority to school districts or coalitions of school districts, charitable organizations, nonprofit organizations, and political subdivisions. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section**

**536.010, RSMo, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

**3. All fees collected by a tax-exempt organization may be retained and used by the organization.”;** and further amend said section by renumbering the remaining subsections accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Lembke offered **SA 2:**

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 363, Page 15, Section 301.562, Line 1 of said page, by inserting immediately after said line the following:

**“610.031. 1. Notwithstanding any provision of section 610.021 to the contrary, no public governmental body shall be authorized to close a public meeting or record to the extent that such meeting or record concerns the awarding of a fee contract under the provisions of section 136.055, RSMo.**

**2. For purposes of this chapter, any meeting held by a public governmental body where the awarding of a fee contract under section 136.055, RSMo, is discussed shall be considered a public meeting.”; and**

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 3:**

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 363, Page 4, Section 136.055, Line 20, by inserting after all of said line the following:

**“144.025. 1. Notwithstanding any other provisions of law to the contrary, in any retail sale other than retail sales governed by subsections 4 and 5 of this section, where any article on which sales or use tax has been paid, credited, or otherwise satisfied or which was exempted or excluded from sales or use tax is taken in trade as a credit or part payment on the purchase price of the article being sold, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the actual allowance made for the article traded in or exchanged, if there is a bill of sale or other record showing the actual allowance made for the article traded in or exchanged. Where the purchaser of a motor vehicle, trailer, boat or outboard motor, hereinafter referred to as “unit”, receives a rebate from the seller or manufacturer, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the amount of the rebate, if there is a bill of sale or other record showing the actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus any applicable rebate exceeds the purchase price of the purchased [article] unit there shall be no sales**

or use tax owed **and such excess trade-in or exchange allowance may be applied to any subsequent purchases of units made within one hundred eighty days of the trade-in.** This section shall also apply to [motor vehicles, trailers, boats, and outboard motors] **units** sold by the owner or holder of the properly assigned certificate **or certificates** of ownership if the seller purchases or contracts to purchase [a] subsequent [motor vehicle, trailer, boat, or outboard motor] **units** within one hundred eighty days before or after the date of the sale of the original [article] **units** and [a bill] **bills** of sale showing the paid sale price is presented to the department of revenue [at the time of licensing. A copy of the bill of sale shall be left with the licensing office.] **If the sale price of the original unit exceeds the purchase price of subsequent units, such excess may only be applied to any subsequent units purchased within one hundred eighty days of the sale of the original unit.** Where the subsequent motor vehicle, trailer, boat, or outboard motor is titled more than one hundred eighty days after the sale of the original motor vehicle, trailer, boat, or outboard motor, the allowance pursuant to this section shall be made if the person titling such article establishes that the purchase or contract to purchase was finalized prior to the expiration of the one hundred eighty-day period.

2. As used in this section, the term “boat” includes all motorboats and vessels, as the terms “motorboat” and “vessel” are defined in section 306.010, RSMo.

3. As used in this section, the term “motor vehicle” includes motor vehicles as defined in section 301.010, RSMo, recreational vehicles as defined in section 700.010, RSMo, or a combination of a truck as defined in section 301.010, RSMo, and a trailer as defined in section 301.010, RSMo.

4. The provisions of subsection 1 of this section shall not apply to retail sales of manufactured homes in which the purchaser receives a document known as the “Manufacturer's Statement of Origin” for purposes of obtaining a title to the manufactured home from the department of revenue of this state or from the appropriate agency or officer of any other state.

5. Any purchaser of a motor vehicle or trailer used for agricultural use by the purchaser shall be allowed to use as an allowance to offset the sales and use tax liability towards the purchase of the motor vehicle or trailer any grain or livestock produced or raised by the purchaser. The director of revenue may prescribe forms for compliance with this subsection.

144.027. 1. When a motor vehicle, trailer, boat or outboard motor, **hereinafter referred to as “unit”**, for which all sales or use tax has been paid is replaced due to theft or a casualty loss in excess of the value of the unit, the director shall permit the amount of the insurance proceeds plus any owner's deductible obligation, as certified by the insurance company, to be a credit against the purchase price of [another motor vehicle, trailer, boat or outboard motor which is] **subsequent units which are** purchased or [is] contracted to purchase within one hundred eighty days of the date of payment by the insurance company as a replacement motor vehicle, trailer, boat or outboard motor. **Where the credit exceeds the purchase price of subsequent units, there shall be no sales or use tax owed and such excess credit may be applied to any subsequent units purchased within one hundred eighty days of the date of payment by the insurance company as a replacement motor vehicle, trailer, boat, or outboard motor.** As used in this section, the term “boat” includes all motorboats and vessels, as the terms “motorboat” and “vessel” are defined in section 306.010, RSMo.

2. If the owner of a motor vehicle, trailer, boat or outboard motor as described in subsection 1 of this section does not have insurance coverage for the motor vehicle, trailer, boat or outboard motor, the director shall permit the fair market value of the motor vehicle, trailer, boat or outboard motor as determined by the

Kelly Blue Book, NADA Used Car Guide, Abos Blue Book or the average of two appraisals from licensed motor vehicle or boat dealers to be a credit against the purchase price of [a replacement motor vehicle, trailer, boat or outboard motor which is] **subsequent units** purchased or [is] contracted to purchase within one hundred eighty days of the date of such loss as certified by a law enforcement agency or such other evidence as the director may require as proof of the date of loss of the motor vehicle, trailer, boat or outboard motor. **Where the credit exceeds the purchase price of subsequent units, there shall be no sales or use tax owed and such excess credit may be applied to any subsequent units purchased within one hundred eighty days of the date of such loss as certified by a law enforcement agency or such other evidence as the director may require as proof of the date of loss of the motor vehicle, trailer, boat, or outboard motor.**”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

At the request of Senator Griesheimer, **SB 363**, with **SCS** and **SS No. 2**, as amended (pending), was placed on the Informal Calendar.

### **RESOLUTIONS**

Senator Pearce offered Senate Resolution No. 810, regarding Charles D. Rutt, Warrensburg, which was adopted.

Senator Crowell offered Senate Resolution No. 811, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James Brase, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 812, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert C. “Bob” Michael, Jr., Commerce, which was adopted.

Senator Crowell offered Senate Resolution No. 813, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alvin W. Kamp, Jackson, which was adopted.

On motion of Senator Engler, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

### **RESOLUTIONS**

Senator Barnitz offered Senate Resolution No. 814, regarding Candice McIntyre, which was adopted.

Senator Barnitz offered Senate Resolution No. 815, regarding LeAnna Jansen, which was adopted.

Senator Barnitz offered Senate Resolution No. 816, regarding Janelle Cottrell, which was adopted.

Senator Barnitz offered Senate Resolution No. 817, regarding Gretchen Elliott, which was adopted.

Senator Barnitz offered Senate Resolution No. 818, regarding Georgia Graham, which was adopted.

Senator Barnitz offered Senate Resolution No. 819, regarding Rebecca Fryer, which was adopted.

Senator Barnitz offered Senate Resolution No. 820, regarding Ashley Cochran, which was adopted.

Senator Barnitz offered Senate Resolution No. 821, regarding Calli Haslag, which was adopted.

Senator Barnitz offered Senate Resolution No. 822, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Shults, Salem, which was adopted.

Senator Pearce offered Senate Resolution No. 823, regarding Youth Art Month students and teachers, Knob Noster R-VIII School District, which was adopted.

Senator Ridgeway offered Senate Resolution No. 824, regarding William Carlin Walker, Liberty, which was adopted.

Senator Pearce offered Senate Resolution No. 825, regarding Marvin Miller, Warrensburg, which was adopted.

### SENATE BILLS FOR PERFECTION

Senator Lager moved that **SB 376**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Ridgeway, **SA 1** was withdrawn.

Senator Lager offered **SS** for **SCS** for **SB 376**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 376

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to energy efficiency investments by electric corporations.

Senator Lager moved that **SS** for **SCS** for **SB 376** be adopted.

Senator Ridgeway offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 376, Page 6, Section 393.1124, Line 3 of said page, by inserting after all of said line the following:

**“13. Charges attributable to demand-side programs under this section shall be clearly shown as a separate line item on bills to the electrical corporation's customers.”.**

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 376, Page 6, Section 393.1124, Line 3 of said page, by inserting after all of said line the following:

**“13. (1) Any customer of an electrical corporation who has received a state tax credit under sections 135.350 to 135.362, RSMo, or under sections 253.545 to 253.561, RSMo, shall not be eligible for participation in any demand-side program offered by an electrical corporation under this section if such program offers a monetary incentive to the customer;**

**(2) As a condition of participation in any demand-side program offered by an electrical**

corporation under this section when such program offers a monetary incentive to the customer, the commission shall develop rules that require documentation to be provided by the customer to the electrical corporation to show that the customer has not received a tax credit listed in subdivision (1) of this subsection;

(3) The penalty for a customer who provides false documentation under subdivision (2) of this subsection shall be a class A misdemeanor.

14. The commission shall develop rules that provide for disclosure of participants in all demand-side programs offered by electrical corporations under this section when such programs provide monetary incentives to the customer. The disclosure required by this subsection shall include the name of the participant, or the names of the principles if for a company, the property address, and the amount of the monetary incentive received.”.

Senator Ridgeway moved that the above amendment be adopted.

Senator Lager offered SA 1 to SA 2, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 376, Page 2, Line 2, by striking the words “shall include” and inserting in lieu thereof the following: “**may include, but not be limited to, the following:**”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 376, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

**“8.305. 1. Any appliance purchased with state moneys or a portion of state moneys shall be an appliance that has earned the Energy Star under the Energy Star program co-sponsored by the United States Department of Energy and the United States Environmental Protection Agency. For purposes of this section, the term “appliance” shall have the same meaning as in section 144.526, RSMo.**

**2. The commissioner of the office of administration may exempt any appliance from the requirements of subsection 1 of this section when the cost of compliance is expected to exceed the projected energy cost savings gained.**

**3. The provisions of this section shall expire on August 28, 2011.”; and**

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

Senator Shields offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 376, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

“386.120. 1. The principal office of the commission shall be at the state capital at the city of Jefferson City. [The commissioners shall reside within a forty-mile radius of the city of Jefferson City during their respective terms of office.] The office required by this subsection shall be provided and assigned by the board of public buildings.

2. The commission shall at all times, except Saturdays, Sundays and legal holidays, be open and in session for the transaction of business and the commissioners shall devote their entire time to the duties of their office.

3. The commission shall have an official seal bearing the following inscription: “Public Service Commission of the State of Missouri”. The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of such seal.

4. The commission may sue and be sued in its official name. The offices of said commission shall be supplied with all necessary books, maps, charts, stationery, office furniture, telephone and telegraph connections, and all other necessary appliances and incidentals, to be paid for in the same manner as other expenses authorized by this chapter.

5. The offices of the commission shall be open during business hours on all days except Saturdays, Sundays and legal holidays, and one or more responsible persons, designated by the commission or by the secretary, under the direction of the commission, shall be on duty at all times, in immediate charge thereof.

6. Any summons or other writ issued by any court of this state or of the federal government shall be served upon the secretary of the commission or on any commissioner at the principal office of the commission in Jefferson City. Service of any summons or other writ upon the secretary of the commission, or upon any single commissioner, shall constitute service upon the entire commission.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Lager moved that **SS** for **SCS** for **SB 376**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SS** for **SCS** for **SB 376**, as amended, was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 363**, with **SCS** and **SS No. 2**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS No. 2** for **SCS** for **SB 363**, as amended, was again taken up.

Senator Stouffer assumed the Chair.

Senator Griesheimer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 363, Page 2, Section 32.095, Line 3 of said page, by striking the following: “and trailers”; and further amend lines 4 to 6 of said page, by striking all of said lines and inserting in lieu thereof the following: “**Such motor vehicle**”; and further amend line 8 of said page, by striking the following: “or trailer”; and

Further amend said bill, Page 5, Section 144.060, Line 3 of said page, by striking the following: “acting as an agent of”; and further amend line 4 of said page, by striking all of said line; and

Further amend said bill, Page 9, Section 301.280, Line 11 of said page, by striking the following: “or trailer”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 363, Page 8, Section 144.070, Line 23 of said page, by striking the following: “and trailers”; and further amend line 26 of said page, by inserting at the end of said line the following: “**Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate article IV, section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.**”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 363, Page 15, Section 301.562, Line 1, by inserting immediately after said line the following:

“**Section 1. If any fee office, as established under section 136.055, RSMo, is closed or otherwise not operational for two quarters over a two-year period, the department of revenue shall terminate the contract with such fee office and take over the operations of such fee office.**”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

At the request of Senator Shoemyer, **SA 6** was withdrawn.

Senator Griesheimer moved that **SS No. 2** for **SCS** for **SB 363**, as amended, be adopted, which motion



prevailed.

On motion of Senator Griesheimer, **SS No. 2** for **SCS** for **SB 363**, as amended, was declared perfected and ordered printed.

Senator Lembke moved that **SB 284** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Smith offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 284, Page 1, Section 320.097, Line 18, by inserting after all of said line the following:

**“4. For any increase in pay, promotion, or other advantage in employment within the fire department of any city not within a county when equally qualified employees are eligible, preference shall be given to any employee of the department who is a resident of such city.”.**

Senator Smith moved that the above amendment be adopted.

At the request of Senator Lembke, **SB 284**, with **SA 1** (pending), was placed on the Informal Calendar.

#### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 269**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 91**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 214**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

President Pro Tem Shields assumed the Chair.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 914**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which

was referred **HCS** for **HBs 836** and **753**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 811**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 273**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 485**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 709**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 859**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 667**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 283**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 257**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HBs 234** and **493**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 148**, begs leave to report that it has considered the same and recommends that Senate Committee Substitute No. 2, hereto attached, do pass and be placed on the Consent Calendar.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **HB 326**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Mayer, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 236**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 289**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 373**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 488**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 490**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 506**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 659**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass

and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 682**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 922**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 306**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

April 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory A. Hayden, Democrat, 6330 Bluff Forest Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, Loren Cook, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas G. Heinsz, Democrat, 2711 Fairway Estates Drive, Wentzville, Saint Charles County, Missouri 63385, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, William Luetkenhaus, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

Jefferson City

65102

April 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James L. Mathewson, Democrat, 23650 Highway B, Sedalia, Pettis County, Missouri 65301, as a member of the Missouri Gaming Commission, for a term ending April 29, 2012, and until his successor is duly appointed and qualified; vice, Samuel Hais, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

Jefferson City

65102

April 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rhonda Shimmens, 1630 Paddlewheel Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2012, and until her successor is duly appointed and qualified; vice, Janet Vanderpool, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

Jefferson City

65102

April 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Daren Todd, Democrat, 1228 Mallard Cove, Kennett, Dunklin County, Missouri 63857, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 01, 2015, and until his successor is duly appointed and qualified; vice, Gail Robertson, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

Jefferson City

65102

April 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Deborah Wagner, 1035 North Harrison, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2010, and until her successor is duly appointed and qualified; vice, Margaret D. Shea, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

## **COMMUNICATIONS**

Senator Champion submitted the following:

April 15, 2009

Terry Spieler  
Secretary of the Senate  
Missouri Senate  
Missouri State Capitol  
Jefferson City, MO 65101

Dear Madame Secretary:

I would like to request that House Bill 154 have the consent status removed and be returned to its originating committee for further discussion. I feel that this bill which relates to the grandparents of children needing emergency placement is well intended but needs to have clarification in regard to the manner in which it would be implemented.

I appreciate your assistance in this matter.

Sincerely,  
/s/ Norma Champion  
Norma Champion  
30th District

## **INTRODUCTIONS OF GUESTS**

On behalf of Senator Shields, the President introduced to the Senate, Dr. Robert Vartabedian, President; Dan Danford, Dave Williams, Beth Wheeler and students from Missouri Western State University, St. Joseph.

Senator Bray introduced to the Senate, Ivan Arciniegas, Pleasant Hope High School; Holly Dawes, Stockton High School; and Morgan Koenig, Lakeland High School, winners of the Mel Carnahan Essay Contest.

Senator Griesheimer introduced to the Senate, Shirley Wilmesher and Carl Ridder, Union; Bob Buxton, Catawissa; and Rudy Ahmann, Washington.

Senator Griesheimer introduced to the Senate, Mark Goforth, St. Clair.

Senator Engler introduced to the Senate, Mit Landrum, Farmington.

Senator Barnitz introduced to the Senate, Mr. Belshe, Mr. Young and twenty-seven students from Waynesville High School.

Senator Mayer introduced to the Senate, Dave Wyman, Dexter; Ada Farr, Lilbourn; Debbie Strobel, Kevin Williams and Chris Driskill, Sikeston; and Robert Tripp, Cape Girardeau.

Senator Champion introduced to the Senate, members of National Association of Insurance Women from around the state.

Senator Bray introduced to the Senate, Mrs. Stevterman, Mrs. Schroff and twenty-two fourth grade students from Our Lady of the Pillar School, Creve Coeur.

Senator Goodman introduced to the Senate, members of College Republicans from College of the Ozarks, Point Lookout.

Senator McKenna introduced to the Senate, Pam McWilliams and students from Good Shepherd School, Hillsboro.

Senator Green introduced to the Senate, Karen Szydlowski, Kelly White and thirty-five seventh grade students from Christ Light of the Nations Catholic School, St. Louis; and Alex Fisher, Sam Graffy, Kyle Boris and Wisdom Akpan were made honorary pages.

Senator Engler introduced to the Senate, members of Leadership Missouri.

Senator Ridgeway introduced to the Senate, Kathy Meath, St. Louis.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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FIFTY-FOURTH DAY—THURSDAY, APRIL 16, 2009

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HJR 10  
 HB 599-Diehl  
 HCS for HB 509  
 HCS for HBs 187 & 235  
 HCS for HB 495  
 HCS for HB 299

HCS for HB 863  
 HCS for HB 250  
 HCS for HB 909  
 HB 30-Brandom, et al  
 HCS for HBs 658 & 706

### THIRD READING OF SENATE BILLS

1. SS for SCS for SB 167-Rupp  
 (In Fiscal Oversight)
2. SCS for SBs 207 & 245-Rupp
3. SS for SCS for SB 306-Dempsey
4. SS for SCS for SB 558-Mayer  
 (In Fiscal Oversight)
5. SCS for SB 538-Champion  
 (In Fiscal Oversight)

6. SCS for SB 549-Schmitt  
 (In Fiscal Oversight)
7. SCS for SBs 453 & 24-Mayer  
 (In Fiscal Oversight)
8. SCS for SB 495-Griesheimer
9. SCS for SB 542-Pearce
10. SCS for SB 383-Dempsey

SENATE BILLS FOR PERFECTION

SB 299-Griesheimer, with SCS

SB 197-Goodman, with SCS

HOUSE BILLS ON THIRD READING

HB 287-Day, et al (Mayer)

HCS for HB 359, with SCS (Rupp)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)

SB 18-Bray, et al, with SCS & SS for SCS  
(pending)

SB 29-Stouffer

SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce and Smith, with SCS &  
SS#3 for SCS (pending)

SB 57-Stouffer, with SCS & SA 1 (pending)

SB 72-Stouffer, with SCS

SB 94-Justus, et al, with SCS & SS for SCS  
(pending)

SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)

SCS for SB 189-Shields

SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)

SB 228-Scott, with SCS, SS for SCS,  
SA 12, SSA 1 for SA 12 &  
SA 1 to SSA 1 for SA 12 (pending)

SB 236-Lembke

SB 254-Barnitz, with SS (pending)

SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS & SS#3 for SCS (pending)

SB 264-Mayer

SB 267-Mayer and Green, with SA 1 (pending)

SB 284-Lembke, et al, with SA 1 (pending)

SB 321-Days, et al, with SCS (pending)

SBs 335 & 16-Rupp, with SCS

SB 364-Clemens and Schaefer

SB 409-Stouffer, with SCS (pending)

SB 477-Wright-Jones, with SS (pending)

SB 527-Nodler and Bray

SB 555-Lager, with SCS, SS for SCS & SA 2  
(pending)

SB 572-Dempsey and Justus

SJR 12-Scott, with SCS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS & SS for SCS  
(pending) (Griesheimer)



## CONSENT CALENDAR

## House Bills

## Reported 4/9

HCS for HB 251 (Clemens)  
HCS for HBs 93 & 216, with SCS (Barnitz)  
HCS for HB 111, with SCS (Crowell)  
HB 861-Day, with SCS (Crowell)  
HB 210-Deeken (Crowell)  
HCS for HB 265, with SCS

HCS for HB 397 & HCS for HB 947, with SCS  
HB 400-Nasheed, et al  
HB 593-Viebrock (Crowell)  
HB 678-Wasson (Goodman)  
HB 537-Dixon, et al (Wright-Jones)  
HCS for HB 752, with SCS (Stouffer)

## Reported 4/14

HB 83-Wood, with SCS (Goodman)  
HCS for HB 124 (McKenna)  
HCS for HBs 128 & 340 (Scott)  
HB 171-Cox, et al, with SCS  
HB 218-Ervin (Dempsey)  
HB 282-Stevenson, et al  
HB 544-Smith (150), et al, with SCS  
(Goodman)

HB 652-Pratt  
HB 698-Zimmerman, et al (Schmitt)  
HCS for HB 844 (Green)  
HCS for HB 895  
HB 918-Kelly (Schaefer)  
HB 919-Ruestman, et al (Goodman)

## Reported 4/15

HCS for HB 272, with SCS (Days)  
HCS for HB 525 (Schmitt)  
HCS for HB 231 (Rupp)  
HCS for HB 740 (Nodler)  
HCS for HB 237, HB 238 & HB 482, with SCS  
HB 826-Brown (149), et al (Lembke)  
HB 866-Wells, et al, with SCS (Lembke)  
HCS for HB 177 & HCS for HB 622, with SCS  
(Bartle)  
HCS for HB 685  
HB 253-Davis, et al  
HCS for HB 89  
HB 867-Guest, with SCS  
HB 683-Schieffer, et al, with SCS (Stouffer)  
HCS for HB 914  
HCS for HBs 836 & 753, with SCS

HB 811-Wasson  
HCS for HB 273  
HCS for HB 485  
HB 709-Dusenberger, et al  
HB 859-Dieckhaus, et al (Griesheimer)  
HCS for HB 667, with SCS (Goodman)  
HB 283-Wood, with SCS (Goodman)  
HB 257-Schieffer, with SCS (Rupp)  
HCS for HBs 234 & 493  
HCS for HB 148, with SCS#2 (Griesheimer)  
HB 326-Sutherland, with SCS (Griesheimer)  
HCS for HB 236, with SCS  
HB 289-Wallace (Mayer)  
HB 373-Wallace, with SCS  
HB 488-Schad, et al, with SCS  
HB 490-Schad, et al

HB 506-Funderburk, et al, with SCS  
HB 659-Dusenberg, et al, with SCS  
HB 682-Swinger, et al

HB 922-Smith (14), et al, with SCS

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS &  
SS for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

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# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTY-FOURTH DAY—THURSDAY, APRIL 16, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“If you do a good job for others, you heal yourself at the same time, because a dose of joy is a spiritual cure.” (Dietrich Bonhoeffer)

Merciful God, even though it has been a short week, much has been required of us and when we leave today, may we have a sense that what we did was a good job for our people. Ride with us this day and bring us safely home; and may we rejoice in hope and Your spiritual love for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 826, regarding Austin Littleton, Sikeston, which was adopted.

Senators Schmitt, Wright-Jones, Bray, Cunningham, Days, Dempsey, Griesheimer, Lembke and Smith offered Senate Resolution No. 827, regarding the Seventy-fifth Anniversary of Kiel Opera House, Saint Louis, which was adopted.

Senator Engler offered Senate Resolution No. 828, regarding Jeannine M. Canaday, which was adopted.

Senator Engler offered Senate Resolution No. 829, regarding Peggy Kohler, which was adopted.

Senator Engler offered Senate Resolution No. 830, regarding Matilda Dickinson, which was adopted.

Senator Shoemyer offered Senate Resolution No. 831, regarding the Eightieth Birthday of Edith Johnson, Kahoka, which was adopted.

Senator Vogel offered Senate Resolution No. 832, regarding Robert L. Robinson, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 833, regarding James W. Uffmann, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 834, regarding Tyronne M. Allen, Jefferson City, which was adopted.

Senator Wilson offered Senate Resolution No. 835, regarding the Fiftieth Anniversary of the Palestine Missionary Baptist Church of Jesus Christ, Kansas City, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 836, regarding Lew Moye, St. Louis, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Rupp offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 27**

WHEREAS, the United States Congress recently passed, and President Obama signed, the American Recovery and Reinvestment Act of 2009 (ARRA); and

WHEREAS, the ARRA allocates federal stimulus and stabilization money to the various states via several funds that come with different stipulations as to the use of the allocated moneys; and

WHEREAS, the state of Missouri's share of the federal stimulus and stabilization money could be approximately four billion dollars; and

WHEREAS, there is great confusion as to the conditions and stipulations that must be met in order to maximize the amount of funds that the state may receive under ARRA; and

WHEREAS, some of the ARRA funds will use preexisting formulas to determine how much money will go to certain programs, such as worker training, food stamps and renewable energy promotion; and

WHEREAS, other ARRA funds, such as those that come from the stabilization fund, may provide the state with more discretion as to how such funds are spent by the state; and

WHEREAS, it is necessary for the General Assembly to conduct in-depth studies regarding the parameters of the ARRA funds in order to ensure compliance with federal law and that Missouri receives its fair share of the ARRA funds:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee on Oversight of Federal Stimulus and Stabilization Funds; and

BE IT FURTHER RESOLVED that the committee shall be charged with the following:

- (1) Conducting a comprehensive study and analysis of strategies for securing the maximum amount of federal dollars for Missouri and Missourians that will come from the ARRA; and
- (2) Examine any conditions or stipulations that are attached to the receipt of federal funds under ARRA; and
- (3) Investigate exactly for what purpose or programs moneys under ARRA may be used; and
- (4) Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the committee shall be composed of ten members, three majority party members and two minority party members of the Senate, to be appointed by the President Pro Tem of the Senate, and three majority party members and two minority party members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the First Regular Session of the Ninety-fifth General Assembly through January 15, 2010, of the Second Regular Session of the Ninety-fifth General Assembly; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including but not limited to soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, political subdivisions of this State, and the general public; and

BE IT FURTHER RESOLVED that the staffs of Senate Appropriations, Senate Research, House Appropriations, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

### **THIRD READING OF SENATE BILLS**

**SCS for SBs 207 and 245**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 207 and 245**

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to data security breaches.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS for SBs 207 and 245** was read the 3rd time and passed by the following vote:

#### **YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

#### **NAYS—Senators—None**

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 306**, introduced by Senator Dempsey, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 306

An Act to repeal sections 208.215 and 287.266, RSMo, and to enact in lieu thereof nineteen new sections relating to health care services.

Was taken up.

Senator Goodman assumed the Chair.

Senator Stouffer assumed the Chair.

On motion of Senator Dempsey, **SS for SCS for SB 306** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Lager	Mayer	McKenna	Nodler	Pearce
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Bartle	Bray	Crowell	Justus	Lembke	Purgason	Ridgeway—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 495**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 495

An Act to repeal section 288.330, RSMo, and to enact in lieu thereof one new section relating to employment security.

Was taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **SCS** for **SB 495** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Lembke—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 542**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 542

An Act to repeal sections 30.260, 30.270, 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, and to enact in lieu thereof eight new sections relating to the state treasurer, with penalty provisions.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **SCS** for **SB 542** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Lembke              Wilson—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 383**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 383**

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to contribution rates for the public school retirement system of Missouri.

Was taken up by Senator Dempsey.

On motion of Senator Dempsey, **SCS** for **SB 383** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Lembke—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**REPORTS OF STANDING COMMITTEES**

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:



Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 538** and **SCS** for **SBs 453** and **24**, begs leave to report that it has considered the same and recommends that the bills do pass.

### THIRD READING OF SENATE BILLS

**SCS** for **SB 538**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 538

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the personal needs allowance for residents in long-term care facilities.

Was taken up by Senator Champion.

On motion of Senator Champion, **SCS** for **SB 538** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

#### NAYS—Senators—None

#### Absent—Senators—None

#### Absent with leave—Senators—None

#### Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SBs 453** and **24**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 453 and 24

An Act to repeal sections 160.534, 163.011, 163.043, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof four new sections relating to education funding, with an effective date for a certain section and an emergency clause.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS** for **SBs 453** and **24** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS No. 2** for **SCS** for **SB 5**, introduced by Senator Griesheimer, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 5

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

Was called from the Informal Calendar and taken up.

On motion of Senator Griesheimer, **SS No. 2** for **SCS** for **SB 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days	Green
Griesheimer	Justus	Lembke	McKenna	Schaefer	Schmitt	Shields	Smith
Wilson	Wright-Jones—18						

NAYS—Senators

Barnitz	Crowell	Dempsey	Engler	Goodman	Lager	Mayer	Nodler
Pearce	Purgason	Ridgeway	Rupp	Scott	Shoemyer	Stouffer	Vogel—16

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Paul E. Connors, as a member of the Missouri Veterans Commission;

Also,

Patrick A. McInerney, as a member of the Kansas City Board of Police Commissioners;

Also,

Randall J. McArthur, John R. Albright, Lori Rasmussen, Cynthia L. Heislen, James E. O'Mara, Nina N. Murphy and Forrest Miller, Jr., as members of the Missouri Community Service Commission;

Also,

Richard J. Weaver, as Commissioner of the Missouri Division of Finance.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 751**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 382**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 103**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 376**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 395**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 747**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 661**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 269**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do

pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 91**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 154**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 458**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 259**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 644**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 376** and **SS No. 2** for **SCS** for **SB 363**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Shields referred **SS No. 2** for **SCS** for **SB 363** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Stouffer assumed the Chair.

### **HOUSE BILLS ON SECOND READING**

The following Joint Resolution and Bills were read the 2nd time and referred to the Committees indicated:

**HCS** for **HJR 10**—Governmental Accountability and Fiscal Oversight.

**HB 599**—Commerce, Consumer Protection, Energy and the Environment.

**HCS** for **HB 509**—Ways and Means.

**HCS for HBs 187 and 235**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 495**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 299**—General Laws.

**HCS for HB 863**—General Laws.

**HCS for HB 250**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 909**—General Laws.

**HB 30**—Progress and Development.

**HCS for HBs 658 and 706**—Agriculture, Food Production and Outdoor Resources.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HJR 32**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, and adopting one new section relating to the fifth state building bond and interest fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HJR 36**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 4(d) of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to fair taxation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 62**, entitled:

An Act to repeal sections 43.500, 43.503, 43.506, 43.540, 82.300, 191.225, 192.925, 195.202, 217.450, 217.460, 217.665, 217.670, 229.110, 302.311, 302.750, 311.310, 311.325, 311.326, 409.5-508, 409.6-604, 479.260, 488.5025, 544.665, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 559.106, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.093, 566.226, 568.045, 570.030, 570.040, 570.080, 575.060, 575.080, 575.150, 575.260, 577.029, 578.250, 578.255, 578.260, 578.265, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, 595.060, 595.209, and 650.055, RSMo, and section 302.060 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly,

second regular session and section 302.060 as enacted by house committee substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third general assembly, first regular session, and to enact in lieu thereof seventy new sections relating to crime, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Schaefer.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 258**, entitled:

An Act to repeal sections 290.502 and 290.512, RSMo, and to enact in lieu thereof three new sections relating to minimum wage law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 795**, entitled:

An Act to repeal sections 144.140, 290.500 and 536.310, RSMo, and to enact in lieu thereof four new sections relating to small businesses, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 354**, entitled:

An Act to repeal sections 144.054, 227.600, and 227.615, RSMo, and to enact in lieu thereof nine new sections relating to transportation projects.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 952**, entitled:

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales tax holiday, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 152**, entitled:

An Act to repeal sections 650.052 and 650.055, RSMo, and to enact in lieu thereof two new sections relating to the DNA profiling system, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 845**, entitled:

An Act to repeal section 537.524, RSMo, and to enact in lieu thereof one new section relating to interference with lawful hunting, trapping, and fishing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 246**, entitled:

An Act to repeal sections 444.765, 444.766, 444.770, and 444.774, RSMo, and to enact in lieu thereof four new sections relating to surface mining and gravel excavation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 575**, entitled:

An Act to repeal sections 99.1082, 99.1088, 99.1090, 99.1092, 100.710, 100.760, 100.770, 135.680, 338.337, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof twelve new sections relating to business incentives, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.



Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 553**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for certain motor vehicle purchases.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 716**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to newborn screenings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 734**, entitled:

An Act to repeal section 644.054, RSMo, and to enact in lieu thereof one new section relating to water pollution permit fees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **RESOLUTIONS**

Senator Justus offered Senate Resolution No. 837, regarding Marquaisha Loggins, Grandview, which was adopted.

Senator Rupp offered Senate Resolution No. 838, regarding Lisa Williams, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 839, regarding Julie Castello, St. Charles, which was adopted.

## **COMMUNICATIONS**

Senator Crowell submitted the following:

April 16, 2009

Madame Secretary:

I respectfully request that HCS for HB 740, HB 544, with SCS and HCS for HB 844 be removed from the Senate Consent Calendar.

/s/ Jason

## **INTRODUCTIONS OF GUESTS**

Senator Justus introduced to the Senate, Leaders Cindy Craig, Megan McDonald and members of Boy

Scout Troop 150, Kansas City; and Andrew Craig, Sam King, Ian McDonald and Bobby Mansur were made honorary pages.

Senator Clemens introduced to the Senate, Willard city officials.

Senator Barnitz introduced to the Senate, Vicki Hurlbutt, Glenda Blanchard and Mary Glotfelty, Waynesville.

Senator Goodman introduced to the Senate, his son, Jack Elliott, Mt. Vernon; and Jack Elliott was made an honorary page.

Senator Scott introduced to the Senate, Keith and Mary Glor, Donna and Mike Hargraves, Rose and Ray Robinson, Margaret L. Miller and Jim Brown, Urbana.

Senator Crowell introduced to the Senate, fourth grade students from Alma Schrader Elementary School, Cape Girardeau.

Senator Smith introduced to the Senate, students from St. Margaret's of Scotland School, St. Louis.

Senator Champion introduced to the Senate, students from Mark Twain Elementary School, Springfield.

Senator Wright-Jones introduced to the Senate, her grandchildren, Adam and Alex Jones, St. Louis.

Senator Schmitt introduced to the Senate, Principal Dan Bower, Kim Drury, Susan Friedrich Thurston and fifty fourth grade students from St. Peter School, Kirkwood; and Ryan Allgeyer, Sophie Prosser, Lucy Guillemette and Mark Enslin were made honorary pages.

Senator Champion introduced to the Senate, forty fourth grade students from Greenwood Lab School, Springfield.

Senator Purgason introduced to the Senate, twenty-eight members of the Grand Order of Pachyderms from around Missouri.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Greg Branham, M.D., Frontenac.

Senator Lembke introduced to the Senate, fourth grade students from Abiding Savior Lutheran School, St. Louis.

On behalf of Senator Barnitz, Senator Engler introduced to the Senate, Helen Johnston and students from Immanuel Lutheran School, Rosebud.

On motion of Senator Schaefer, the Senate adjourned until 4:00 p.m., Monday, April 20, 2009.

#### SENATE CALENDAR

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FIFTY-FIFTH DAY—MONDAY, APRIL 20, 2009

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#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 62  
HB 258-Jones (89), et al  
HCS for HB 795  
HB 354-Schlottach, et al  
HB 952-Sutherland  
HCS for HB 152

HB 845-Munzlinger, et al  
HCS for HB 246  
HCS for HB 575  
HCS for HB 553  
HB 716-Todd, et al  
HB 734-Ruzicka and Hobbs

### THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp  
(In Fiscal Oversight)  
SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)  
SCS for SB 549-Schmitt  
(In Fiscal Oversight)

SS for SCS for SB 376-Lager  
SS#2 for SCS for SB 363-Griesheimer  
(In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 299-Griesheimer, with SCS  
SB 197-Goodman, with SCS

SB 458-Lager

### HOUSE BILLS ON THIRD READING

1. HB 287-Day, et al (Mayer)
2. HCS for HB 359, with SCS (Rupp)
3. HB 751-Schad, et al
4. HCS for HB 382
5. HB 103-Wildberger, et al, with SCS  
(Callahan)
6. HB 376-Hobbs, et al, with SCS
7. HB 395-Nance, et al, with SCS  
(Stouffer)

8. HB 747-Witte (Shoemyer)
9. HCS for HB 661 (Stouffer)
10. HB 269-Parson, et al, with SCS  
(Scott)
11. HB 91-Pollock, et al, with SCS (Purgason)
12. HCS for HB 154 (Shields)
13. HB 259-Tilley (Engler)
14. HB 644-Wilson (130) (Griesheimer)

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 & 288-Pearce  
and Smith, with SCS & SS#3 for SCS  
(pending)  
SB 57-Stouffer, with SCS & SA 1 (pending)

SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for  
SCS (pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)

SB 228-Scott, with SCS, SS for SCS, SA 12,  
SSA 1 for SA 12 & SA 1 to SSA 1  
for SA 12 (pending)  
SB 236-Lembke  
SB 254-Barnitz, with SS (pending)  
SBs 261, 159, 180 & 181-Bartle and  
Goodman, with SCS & SS#3 for SCS  
(pending)  
SB 264-Mayer  
SB 267-Mayer and Green, with SA 1  
(pending)

SB 284-Lembke, et al, with SA 1 (pending)  
SB 321-Days, et al, with SCS (pending)  
SBs 335 & 16-Rupp, with SCS  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)  
SB 527-Nodler and Bray  
SB 555-Lager, with SCS, SS for SCS & SA 2  
(pending)  
SB 572-Dempsey and Justus  
SJR 12-Scott, with SCS (pending)

### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS & SS for SCS  
(pending) (Griesheimer)

### CONSENT CALENDAR

#### House Bills

#### Reported 4/9

HCS for HB 251 (Clemens)  
HCS for HBs 93 & 216, with SCS (Barnitz)  
HCS for HB 111, with SCS (Crowell)  
HB 861-Day, with SCS (Crowell)  
HB 210-Deeken (Crowell)  
HCS for HB 265, with SCS

HCS for HB 397 & HCS for HB 947, with SCS  
HB 400-Nasheed, et al (Smith)  
HB 593-Viebrock (Crowell)  
HB 678-Wasson (Goodman)  
HB 537-Dixon, et al (Wright-Jones)  
HCS for HB 752, with SCS (Stouffer)

#### Reported 4/14

HB 83-Wood, with SCS (Goodman)  
HCS for HB 124 (McKenna)  
HCS for HBs 128 & 340 (Scott)  
HB 171-Cox, et al, with SCS  
HB 218-Ervin (Dempsey)  
HB 282-Stevenson, et al

HB 652-Pratt (Bartle)  
HB 698-Zimmerman, et al (Schmitt)  
HCS for HB 895  
HB 918-Kelly (Schaefer)  
HB 919-Ruestman, et al (Goodman)

#### Reported 4/15

HCS for HB 272, with SCS (Days)  
HCS for HB 525 (Schmitt)  
HCS for HB 231 (Rupp)  
HCS for HB 237, HB 238 & HB 482, with SCS  
HB 826-Brown (149), et al (Lembke)

HB 866-Wells, et al, with SCS (Lembke)  
HCS for HB 177 & HCS for HB 622, with  
SCS (Bartle)  
HCS for HB 685  
HB 253-Davis, et al

HCS for HB 89 (Wilson)  
HB 867-Guest, with SCS  
HB 683-Schieffer, et al, with SCS  
(Stouffer)  
HCS for HB 914 (Scott)  
HCS for HBs 836 & 753, with SCS (Justus)  
HB 811-Wasson (Scott)  
HCS for HB 273 (Scott)  
HCS for HB 485 (Mayer)  
HB 709-Dusenberg, et al  
HB 859-Dieckhaus, et al (Griesheimer)  
HCS for HB 667, with SCS (Goodman)  
HB 283-Wood, with SCS (Goodman)  
HB 257-Schieffer, with SCS (Rupp)

HCS for HBs 234 & 493 (Shoemyer)  
HCS for HB 148, with SCS#2 (Griesheimer)  
HB 326-Sutherland, with SCS (Griesheimer)  
HCS for HB 236, with SCS  
HB 289-Wallace (Mayer)  
HB 373-Wallace, with SCS (Mayer)  
HB 488-Schad, et al, with SCS (Pearce)  
HB 490-Schad, et al (Pearce)  
HB 506-Funderburk, et al, with SCS (Rupp)  
HB 659-Dusenberg, et al, with SCS  
(Bartle)  
HB 682-Swinger, et al (Mayer)  
HB 922-Smith (14), et al, with SCS (Rupp)

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

### To be Referred

SCR 27-Rupp

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# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTY-FIFTH DAY—MONDAY, APRIL 20, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“We give thanks to you, O God, we give thanks; your name is near.” (Psalm 75:1)

We do give thanks to You, dear God, for the beauty of this day and bringing us safely here to do our work. We sometimes forget that we are all in Your hands as we put hundreds of miles in our journey back and forth each week; so we are grateful for Your riding with us and watching over us. Be with us this week as we pursue to work through the bills before us and may You guide and bless our efforts. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 16, 2009 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Scott offered Senate Resolution No. 840, regarding John Carleton, Warsaw, which was adopted.

Senator Mayer offered Senate Resolution No. 841, regarding the Ninetieth Birthday of Martha May Sauer Guethle, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 842, regarding Brad Barwick, Poplar Bluff, which was adopted.

Senator Barnitz offered Senate Resolution No. 843, regarding Arlene H. Samson, Freeburg, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 844, regarding Darneshia Trennee Williams, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 845, regarding Barbara Overy, St. Louis, which was adopted.

Senator Purgason offered Senate Resolution No. 846, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Goans, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 847, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Mack Rainwater, Linn Creek, which was adopted.

Senator Purgason offered Senate Resolution No. 848, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David P. Weybright, Jr., Camdenton, which was adopted.

Senator Crowell offered Senate Resolution No. 849, regarding Debbie Mehner, which was adopted.

Senator Stouffer offered Senate Resolution No. 850, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bobbie Dee Trussell, Tina, which was adopted.

Senator Crowell offered Senate Resolution No. 851, regarding the Cape Girardeau Public Library, which was adopted.

Senators Schmitt, Wright-Jones, Bray, Cunningham, Days, Dempsey, Griesheimer, Lembke and Smith offered the following resolution, which was adopted:

**SENATE RESOLUTION NO. 852**

Whereas, the members of the Missouri Senate always welcome the opportunity to acknowledge milestone events in the histories of Show-Me State cultural institutions that admirably enhance the quality of life in local communities and neighborhoods through the excellence of their artistic endeavors; and

Whereas, Kiel Opera House in Saint Louis, Missouri, was opened in April 1934 in the Saint Louis Municipal Auditorium with a schedule that included sixty-one shows, concerts, events, festivals, and exhibits, including a reprise of Guy Golterman's "Aida" by Verdi, which had been performed in Saint Louis sixteen years earlier to audiences that totaled more than 50,000 people; and

Whereas, the year 2009 marks the Seventy-fifth Anniversary of the construction of Kiel Opera House, which closed in 1991; and

Whereas, Kiel Opera House was named in 1943 in honor of three-term Saint Louis mayor Henry Kiel, who had served as the builder of the structure ten years earlier, which was originally known as the Municipal Auditorium, Convention Hall and Opera House; and

Whereas, Kiel Opera House takes up an entire city block on Market Street from Fourteenth to Fifteenth streets and is made of limestone with a series of eight large columns marking the eight doorways that open into the ticket lobby; and

Whereas, with a main stage that was the second largest in the United States at the time of its construction, Kiel Opera House is part of a complex that was designed to seat more than 18,000 people in a music hall, an arena, an exposition hall, and four assembly halls; and

Whereas, throughout its nearly six decades in operation, Kiel Opera House proved to be a significant attraction in the downtown area of the city and an exceptional component in the cultural life of Saint Louis; and

Whereas, Kiel Opera House today is owned by SCP Worldwide, which also owns the Saint Louis Blues ice hockey team and the nearby Scottrade Center in downtown Saint Louis:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fifth General Assembly, join to applaud the history, goals, and accomplishments associated with the Kiel Opera House and to convey to all of those involved this legislative body's most heartfelt best wishes as they celebrate the Seventy-fifth Anniversary of its establishment; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of the historic Kiel Opera House in Saint Louis, Missouri.

Senator Stouffer offered Senate Resolution No. 853, regarding Ruth Ann Latham, which was adopted.

Senator Stouffer offered Senate Resolution No. 854, regarding Erik Eugene Pointer, which was adopted.

Senator Stouffer offered Senate Resolution No. 855, regarding Ann Marshall Fenner, which was adopted.

Senator Stouffer offered Senate Resolution No. 856, regarding Harlan Cole, which was adopted.

Senator Stouffer offered Senate Resolution No. 857, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Daniel W. Hendon, Corder, which was adopted.

On behalf of Senator Bartle, Senator Engler offered Senate Resolution No. 858, regarding Wesley Thiel Maack, which was adopted.

On behalf of Senator Bartle, Senator Engler offered Senate Resolution No. 859, regarding Jordan Wayne Moore, which was adopted.

On behalf of Senator Bartle, Senator Engler offered Senate Resolution No. 860, regarding Jonathan Crain Kirke, which was adopted.

On behalf of Senator Bartle, Senator Engler offered Senate Resolution No. 861, regarding Tyler Matthew Koepsel, which was adopted.

Senator Crowell offered Senate Resolution No. 862, regarding Jean Seres, which was adopted.

### **HOUSE BILLS ON THIRD READING**

**HCS for HBs 93 and 216, with SCS, entitled:**

An Act to repeal sections 304.170 and 304.260, RSMo, and to enact in lieu thereof two new sections relating to tractor parades, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Barnitz.

**SCS for HCS for HBs 93 and 216, entitled:**

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 93 and 216**

An Act to repeal sections 304.170 and 304.260, RSMo, and to enact in lieu thereof two new sections relating to tractor parades, with an emergency clause.

Was taken up.



Senator Barnitz requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Barnitz offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 93 and 216, Page 4, Section 304.170, Line 116, by striking the following: “400.9.109” and inserting in lieu thereof the following: “**400.9-102**”.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz moved that **SCS** for **HCS** for **HBs 93** and **216**, as amended, be adopted, which motion prevailed.

On motion of Senator Barnitz, **SCS** for **HCS** for **HBs 93** and **216**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Wright-Jones—1

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 111**, with **SCS**, entitled:

An Act to amend chapter 194, RSMo, by adding thereto one new section relating to the disposal of unclaimed veterans' remains.

Was called from the Consent Calendar and taken up by Senator Crowell.

**SCS for HCS for HB 111**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 111

An Act to amend chapter 194, RSMo, by adding thereto one new section relating to the disposal of unclaimed veterans' remains.

Was taken up.

Senator Crowell moved that **SCS for HCS for HB 111** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS for HCS for HB 111** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 861**, with **SCS**, introduced by Representative Day, entitled:

An Act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to assistant adjutants general.

Was called from the Consent Calendar and taken up by Senator Crowell.

**SCS** for **HB 861**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 861

An Act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to assistant adjutants general.

Was taken up.

Senator Crowell moved that **SCS** for **HB 861** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **HB 861** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 265**, with **SCS**, entitled:

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof fourteen new sections relating to teacher and school employee retirement systems.

Was called from the Consent Calendar and taken up by Senator Crowell.

**SCS** for **HCS** for **HB 265**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 265

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130,

169.560, 169.630, 169.650, 169.660, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof sixteen new sections relating to teacher and school employee retirement systems, with an emergency clause for certain sections.

Was taken up.

Senator Lager assumed the Chair.

Senator Crowell moved that **SCS** for **HCS** for **HB 265** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **HCS** for **HB 265** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 397 and HCS for HB 947, with SCS, entitled respectively:**

An Act to repeal sections 86.200, 86.237, 86.257, 86.260, 86.263, 86.270, 86.1170, and 86.1240, RSMo, and to enact in lieu thereof eight new sections relating to police retirement, with an emergency clause for a certain section.

An Act to repeal sections 86.200, 86.237, 86.257, 86.260, 86.263, 86.270, 86.1170, and 86.1240, RSMo, and to enact in lieu thereof eight new sections relating to police retirement, with an emergency clause, for a certain section.

Were called from the Consent Calendar and taken up by Senator Ridgeway.

**SCS for HCS for HB 397 and HCS for HB 947, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 397  
and  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 947

An Act to repeal sections 86.200, 86.207, 86.237, 86.257, 86.260, 86.263, and 86.270, RSMo, and to enact in lieu thereof seven new sections relating to police retirement.

Was taken up.

Senator Ridgeway moved that **SCS for HCS for HB 397 and HCS for HB 947** be adopted.

At the request of Senator Ridgeway, the motion to adopt **SCS for HCS for HB 397 and HCS for HB 947** was withdrawn, which placed the bills back on the Consent Calendar.

**HCS for HB 752, with SCS, entitled:**

An Act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof two new sections relating to transportation appointees.

Was called from the Consent Calendar and taken up by Senator Stouffer.

**SCS for HCS for HB 752, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 752

An Act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof two new sections relating to transportation appointees.

Was taken up.

Senator Stouffer moved that **SCS for HCS for HB 752** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS for HCS for HB 752** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt

Scott                Shields                Shoemyer                Smith                Stouffer                Vogel                Wilson                Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 177** and **HCS** for **HB 622**, with **SCS**, respectfully requests that they be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 218**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HBs 128** and **340**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

### HOUSE BILLS ON THIRD READING

**HB 287**, introduced by Representative Day, et al, entitled:

An Act to repeal section 137.016, RSMo, and to enact in lieu thereof one new section relating to classification of certain real property.

Was taken up by Senator Mayer.

Senator Mayer offered **SS** for **HB 287**, entitled:

#### SENATE SUBSTITUTE FOR HOUSE BILL NO. 287

An Act to repeal sections 137.016, 137.180, and 137.355, RSMo, and to enact in lieu thereof three new sections relating to property taxation.

Senator Mayer moved that **SS** for **HB 287** be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Mayer, **HB 287**, with **SS** (pending), was placed on the Informal Calendar.

**HCS** for **HB 359**, with **SCS**, entitled:

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

Was taken up by Senator Rupp.

**SCS** for **HCS** for **HB 359**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 359

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

Was taken up.

Senator Rupp moved that **SCS** for **HCS** for **HB 359** be adopted.

Senator Rupp offered **SS** for **SCS** for **HCS** for **HB 359**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 359

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HB 359** be adopted.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 359, Page 2, Section 227.107, Line 19, by inserting immediately after "county." the following:

**"The state highways and transportation commission is authorized to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of State Highway 92, contained in a county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, from its intersection with State Highway 169, east to its intersection with State Highway E."**

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HB 359**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **HCS** for **HB 359**, as amended, was read the 3rd time and

passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Goodman
Green	Griesheimer	Lager	Lembke	Mayer	McKenna	Nodler	Pearce
Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bray	Crowell	Justus—3
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Absent—Senator Engler—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senator Bray—1

Absent—Senators

Engler	McKenna—2
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Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 751**, introduced by Representative Schad, et al, entitled:

An Act to repeal sections 414.530, 414.560, and 414.570, RSMo, and to enact in lieu thereof three new sections relating to the Missouri propane education and research act.

Was taken up by Senator Scott.

On motion of Senator Scott, **HB 751** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
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Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
 Jefferson City  
 65102  
 April 16, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joseph P. Bindbeutel, 1701 East Gans Road, Columbia, Boone County, Missouri 65201, as a member of the Public Service Commission, for a term ending April 28, 2015, and until his successor is duly appointed and qualified; vice, Connie Murray, term expired.

Respectfully submitted,  
 Jeremiah W. (Jay) Nixon  
 Governor

Also,

GOVERNOR OF MISSOURI  
 Jefferson City  
 65102  
 April 16, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Stephen F. Huss, 9712 Country Ridge Lane, Hillsboro, Jefferson County, Missouri 63050, as a member of the Children's Trust Fund Board, for a term ending September 15, 2010, and until his successor is duly appointed and qualified; vice, Sam Burton, term expired.

Respectfully submitted,  
 Jeremiah W. (Jay) Nixon  
 Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 16, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Doyle L. Privett, Republican, 1814 Allison, Kennett, Dunklin County, Missouri 63857, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 01, 2015, and until his successor is duly appointed and qualified; vice, Edward Matthews, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Susan McCray Armstrong, 7035 Pershing Avenue, Saint Louis, Saint Louis County, Missouri 63130, as a member of the Safe Drinking Water Commission, for a term ending September 01, 2012, and until her successor is duly appointed and qualified; vice, Kyra Mills, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Phillip C. Dressel, 16 Overbrook Drive, Ladue, Saint Louis County, Missouri 63124, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2012, and until his successor is duly appointed and qualified; vice, Tony Kooyumjian, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Timothy P. McGrail, 1621 Wilmor Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2012, and until his successor is duly appointed and qualified; vice, Rebecca Culler, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Florence T. Pullen, 1033 Wilton Royal Drive #303, Creve Coeur, Saint Louis County, Missouri 63146, as a member of the Child Abuse and Neglect Review Board, for a term ending April 29, 2009, and until her successor is duly appointed and qualified; vice, Carolyn Atkins, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cathy Steele, 1006 Orchard Lakes Drive, Saint Louis, Saint Louis County, Missouri 63146, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2011, and until her successor is duly appointed and qualified; vice, Mary Ireland, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John J. Temporiti, Democrat, 5413 Kenrick Parke Drive, Saint Louis, Saint Louis County, Missouri 63119, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, James B. Anderson, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

GOVERNOR OF MISSOURI

Jefferson City

65102

April 16, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office made and submitted to you on April 01, 2009, for your advice and consent:

Susan N. Levy, 21 Clermont Lane, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2011, and until her successor is duly appointed and qualified; vice, David Siscel, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields moved that the above appointment be returned to the Governor per his request, which motion prevailed.

**THIRD READING OF SENATE BILLS**

**SS for SCS for SB 376**, introduced by Senator Lager, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 376

An Act to repeal section 386.120, RSMo, and to enact in lieu thereof three new sections relating to energy efficiency investments by electric corporations, with an expiration date for a certain section and a penalty provision.

Was taken up.

On motion of Senator Lager, **SS for SCS for SB 376** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Cunningham     Purgason—2

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 668**, entitled:

An Act to repeal sections 21.750, 563.011, 563.031, 571.070, 571.101, 571.104, and 571.107, RSMo, and to enact in lieu thereof seven new sections relating to criminal justice, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 361**, entitled:

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof two new sections relating to noncompliance with the federal REAL ID Act of 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 217**, entitled:

An Act to repeal section 167.131, RSMo, and to enact in lieu thereof one new section relating to student transfers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 170**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto three new sections relating to business premises safety.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **REFERRALS**

President Pro Tem Shields referred **SCR 27** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

April 20, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

### **RE: Appointments to the Missouri Film Commission**

Dear Ms. Spieler,

Pursuant to Section 620.1200, RSMo, I am appointing Senator Robin Wright-Jones and Senator Kurt Schaefer to the Missouri Film Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro Tem

## **INTRODUCTIONS OF GUESTS**

Senator Lembke introduced to the Senate, residents of Friendship Village, St. Louis.

Senator Schmitt introduced to the Senate, Dan Kertz, Kirkwood; Steve Herrmann and George Johns, Town and Country; Rick Marchbanks and Bryan Carey, Chesterfield; Jacque Phillips, Frontenac; John Weiss, Labadie; Jim Howard, Ballwin; Mark Lincoln, Ladue; and Rich Striler, Des Peres.

Senator Schmitt introduced to the Senate, Ed Golterman, Kirkwood; and Diane Rosen, Creve Coeur.

Senator Days introduced to the Senate, former State Senator Wayne Goode, St. Louis.

On motion of Senator Engler, the Senate adjourned under the rules.

## **SENATE CALENDAR**

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FIFTY-SIXTH DAY—TUESDAY, APRIL 21, 2009

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## **FORMAL CALENDAR**

### **HOUSE BILLS ON SECOND READING**

HCS for HJR 32  
HCS for HJR 36

HCS for HB 62  
HB 258-Jones (89), et al

HCS for HB 795  
 HB 354-Schlottach, et al  
 HB 952-Sutherland  
 HCS for HB 152  
 HB 845-Munzlinger, et al  
 HCS for HB 246  
 HCS for HB 575

HCS for HB 553  
 HB 716-Todd, et al  
 HB 734-Ruzicka and Hobbs  
 HCS for HB 668  
 HCS for HB 361  
 HCS for HB 217  
 HB 170-Cox, et al

### THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp  
 (In Fiscal Oversight)  
 SS for SCS for SB 558-Mayer  
 (In Fiscal Oversight)

SCS for SB 549-Schmitt  
 (In Fiscal Oversight)  
 SS#2 for SCS for SB 363-Griesheimer  
 (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 299-Griesheimer, with SCS  
 SB 197-Goodman, with SCS

SB 458-Lager

### HOUSE BILLS ON THIRD READING

1. HCS for HB 382 (Scott)
2. HB 103-Wildberger, et al, with SCS  
 (Callahan)
3. HB 376-Hobbs, et al, with SCS  
 (Griesheimer)
4. HB 395-Nance, et al, with SCS  
 (Stouffer)
5. HB 747-Witte (Shoemyer)

6. HCS for HB 661 (Stouffer)
7. HB 269-Parson, et al, with SCS (Scott)
8. HB 91-Pollock, et al, with SCS  
 (Purgason)
9. HCS for HB 154 (Shields)
10. HB 259-Tilley (Engler)
11. HB 644-Wilson (130) (Griesheimer)

### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
 SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB 29-Stouffer  
 SBs 45, 212, 136, 278, 279, 285 &  
 288-Pearce and Smith, with SCS &  
 SS#3 for SCS (pending)

SB 57-Stouffer, with SCS & SA 1 (pending)  
 SB 72-Stouffer, with SCS  
 SB 94-Justus, et al, with SCS & SS for  
 SCS (pending)  
 SB 174-Griesheimer and Goodman, with  
 SCS, SS#2 for SCS & SA 2 (pending)  
 SCS for SB 189-Shields

SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)  
SB 228-Scott, with SCS, SS for SCS, SA 12,  
SSA 1 for SA 12 & SA 1 to SSA 1  
for SA 12 (pending)  
SB 236-Lembke  
SB 254-Barnitz, with SS (pending)  
SBs 261, 159, 180 & 181-Bartle and  
Goodman, with SCS & SS#3 for SCS  
(pending)  
SB 264-Mayer  
SB 267-Mayer and Green, with SA 1  
(pending)

SB 284-Lembke, et al, with SA 1 (pending)  
SB 321-Days, et al, with SCS (pending)  
SBs 335 & 16-Rupp, with SCS  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)  
SB 527-Nodler and Bray  
SB 555-Lager, with SCS, SS for SCS & SA 2  
(pending)  
SB 572-Dempsey and Justus  
SJR 12-Scott, with SCS (pending)

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS & SS for SCS  
(pending) (Griesheimer)

HB 287-Day, et al, with SS (pending)  
(Mayer)

#### CONSENT CALENDAR

##### House Bills

Reported 4/9

HCS for HB 251 (Clemens)  
HB 210-Deeken (Crowell)  
HCS for HB 397 & HCS for HB 947, with  
SCS (Ridgeway)

HB 400-Nasheed, et al (Smith)  
HB 593-Viebrock (Crowell)  
HB 678-Wasson (Goodman)  
HB 537-Dixon, et al (Wright-Jones)

Reported 4/14

HB 83-Wood, with SCS (Goodman)  
HCS for HB 124 (McKenna)  
HB 171-Cox, et al, with SCS  
HB 282-Stevenson, et al (Nodler)  
HB 652-Pratt (Bartle)

HB 698-Zimmerman, et al (Schmitt)  
HCS for HB 895 (Stouffer)  
HB 918-Kelly (Schaefer)  
HB 919-Ruestman, et al (Goodman)



## Reported 4/15

HCS for HB 272, with SCS (Days)	HB 859-Dieckhaus, et al (Griesheimer)
HCS for HB 525 (Schmitt)	HCS for HB 667, with SCS (Goodman)
HCS for HB 231 (Rupp)	HB 283-Wood, with SCS (Goodman)
HCS for HB 237, HB 238 & HB 482, with SCS	HB 257-Schieffer, with SCS (Rupp)
HB 826-Brown (149), et al (Lembke)	HCS for HBs 234 & 493 (Shoemyer)
HB 866-Wells, et al, with SCS (Lembke)	HCS for HB 148, with SCS#2 (Griesheimer)
HCS for HB 685	HB 326-Sutherland, with SCS (Griesheimer)
HB 253-Davis, et al (Stouffer)	HCS for HB 236, with SCS (Crowell)
HCS for HB 89 (Wilson)	HB 289-Wallace (Mayer)
HB 867-Guest, with SCS (Lager)	HB 373-Wallace, with SCS (Mayer)
HB 683-Schieffer, et al, with SCS	HB 488-Schad, et al, with SCS (Pearce)
(Stouffer)	HB 490-Schad, et al (Pearce)
HCS for HB 914 (Scott)	HB 506-Funderburk, et al, with SCS (Rupp)
HCS for HBs 836 & 753, with SCS (Justus)	HB 659-Dusenberg, et al, with SCS
HB 811-Wasson (Scott)	(Bartle)
HCS for HB 273 (Scott)	HB 682-Swinger, et al (Mayer)
HCS for HB 485 (Mayer)	HB 922-Smith (14), et al, with SCS (Rupp)
HB 709-Dusenberg, et al	

## RESOLUTIONS

## Reported from Committee

SR 141-Engler, with point of order	SCR 14-Schmitt
(pending)	SCR 21-Clemens
SCR 7-Pearce	SCR 10-Rupp
SR 207-Lembke and Smith, with SCS & SS	SCR 18-Bartle and Rupp
for SCS (pending)	SCR 23-Schmitt
SCR 11-Bartle, et al	

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FIFTY-SIXTH DAY—TUESDAY, APRIL 21, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“And this is love that we walk according to his commandments;..” (2 John 1:6)

Gracious God, You have given us a path of laws that we are to follow and we know something of law. So we seek to follow Your path so our interactions with others are honorable and forthright. May all we do and say here be a witness of our character and values and may each honor the other for who they truly are. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Schaefer—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Engler offered Senate Resolution No. 863, regarding Vicky L. Stephens, which was adopted.

Senator Engler offered Senate Resolution No. 864, regarding Kelly Pope, which was adopted.

Senator Engler offered Senate Resolution No. 865, regarding James R. Keeney, De Soto, which was adopted.

Senator Engler offered Senate Resolution No. 866, regarding Mary Ann Uding, Sainte Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 867, regarding Paul Williams, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 868, regarding Jacque Cooper, Desloge, which was adopted.

Senator Engler offered Senate Resolution No. 869, regarding Melody Blankenship, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 870, regarding Thomas Pezel, Desloge, which was adopted.

Senator Engler offered Senate Resolution No. 871, regarding Lila Williams, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 872, regarding Karen Huffman, De Soto, which was adopted.

Senator Engler offered Senate Resolution No. 873, regarding Bob Stolzer, which was adopted.

Senator Engler offered Senate Resolution No. 874, regarding Charles E. Crouther, Sr., which was adopted.

Senator Shields offered Senate Resolution No. 875, regarding Kathryn Demarest, which was adopted.

Senator Shields offered Senate Resolution No. 876, regarding Elizabeth, Cameron, Matthew and Zachary McCleary, Platte County, which was adopted.

Senator Crowell offered Senate Resolution No. 877, regarding Allison Ernst, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 878, regarding Megan Sutterer, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 879, regarding Katie Stephens, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 880, regarding Megan Ragsdell, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 881, regarding Evan Martin, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 882, regarding Michele Dobbelt, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 883, regarding Elizabeth Brueckner, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 884, regarding Brittany Hastings, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 885, regarding Amber Julian, Altenburg, which was adopted.

On behalf of Senator Schaefer, Senator Engler offered Senate Resolution No. 886, regarding Robert Wayne Wilcox, Moberly, which was adopted.

Senator Days offered Senate Resolution No. 887, regarding Philip Michael Robin, Hazelwood, which was adopted.

Senators Goodman and Champion offered Senate Resolution No. 888, regarding Sandra Jane Zarins, Ed.D., Springfield, which was adopted.

Senator Schmitt offered Senate Resolution No. 889, regarding the Kirkwood High School racquetball program, which was adopted.

Senator Schmitt offered Senate Resolution No. 890, regarding Brian Anthony Greer, Webster Groves, which was adopted.

Senator Schmitt offered Senate Resolution No. 891, regarding Olivia Rea, Webster Groves, which was adopted.

Senator Schmitt offered Senate Resolution No. 892, regarding Melody Frese, Webster Groves, which was adopted.

Senator Schmitt offered Senate Resolution No. 893, regarding Christine Pfeiffer, Fenton, which was adopted.

Senator Schmitt offered Senate Resolution No. 894, regarding Amy Kaiser, Fenton, which was adopted.

Senator Schmitt offered Senate Resolution No. 895, regarding the Bayless High School Leadership program, Saint Louis County, which was adopted.

Senator Schmitt offered Senate Resolution No. 896, regarding Michelle Schafer, Ballwin, which was adopted.

### **HOUSE BILLS ON THIRD READING**

#### **HCS for HB 382, entitled:**

An Act to repeal sections 443.800, 443.803, 443.805, 443.807, 443.809, 443.810, 443.812, 443.816, 443.817, 443.819, 443.821, 443.823, 443.825, 443.827, 443.830, 443.833, 443.835, 443.837, 443.839, 443.841, 443.843, 443.845, 443.847, 443.849, 443.851, 443.853, 443.855, 443.857, 443.859, 443.861, 443.863, 443.865, 443.867, 443.869, 443.879, 443.881, 443.883, 443.885, 443.887, 443.889, 443.891, and 443.893, RSMo, and to enact in lieu thereof fifty-eight new sections relating to the regulation of residential mortgage professionals, with penalty provisions and an emergency clause.

Was taken up by Senator Scott.

Senator Dempsey assumed the Chair.

On motion of Senator Scott, **HCS for HB 382** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—29			

## NAYS—Senator Purgason—1

## Absent—Senators

Lager	Smith—2
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## Absent with leave—Senators

Bartle	Schaefer—2
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## Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—29			

## NAYS—Senator Purgason—1

## Absent—Senators

Lager	Smith—2
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## Absent with leave—Senators

Bartle	Schaefer—2
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## Vacancies—None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 103**, with **SCS**, introduced by Representative Wildberger, et al, entitled:

An Act to repeal section 44.090, RSMo, and to enact in lieu thereof one new section relating to mutual-aid agreements and the Missouri mutual aid system.

Was taken up by Senator Callahan.

**SCS** for **HB 103**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 103

An Act to repeal sections 44.090 and 701.355, RSMo, and to enact in lieu thereof two new sections relating to public safety.

Was taken up.

Senator Callahan moved that **SCS** for **HB 103** be adopted.

Senator Callahan offered **SS** for **SCS** for **HB 103**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 103

An Act to repeal sections 44.090, 174.700, and 701.355, RSMo, and to enact in lieu thereof four new sections relating to public safety, with an expiration date for a certain section.

Senator Callahan moved that **SS** for **SCS** for **HB 103** be adopted.

Senator Green offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 103, Pages 5-6, Section 67.281, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed on a standing division vote.

At the request of Senator Callahan, **HB 103**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

At the request of Senator Griesheimer, **HB 376**, with **SCS**, was placed on the Informal Calendar.

**HB 395**, with **SCS**, introduced by Representative Nance, et al, entitled:

An Act to repeal section 208.819, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet long-term care transition grants.

Was taken up by Senator Stouffer.

**SCS** for **HB 395**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 395

An Act to repeal sections 198.074, 198.075, 198.096, 198.525, and 208.819, RSMo, and to enact in lieu thereof seven new sections relating to long-term care facilities.

Was taken up.

Senator Stouffer moved that **SCS** for **HB 395** be adopted.

Senator Stouffer offered **SS** for **SCS** for **HB 395**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 395

An Act to repeal sections 198.074, 198.075, 198.096, 198.525, 198.527, and 208.819, RSMo, and to enact in lieu thereof ten new sections relating to long-term care facilities.

Senator Stouffer moved that **SS** for **SCS** for **HB 395** be adopted.

Senator Nodler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 395, Page 15, Section 208.016, Line 16, by inserting immediately after said line the following:

“208.437. 1. A Medicaid managed care organization reimbursement allowance period as provided in sections 208.431 to 208.437 shall be from the first day of July to the thirtieth day of June. The department shall notify each Medicaid managed care organization with a balance due on the thirtieth day of June of each year the amount of such balance due. If any managed care organization fails to pay its managed care organization reimbursement allowance within thirty days of such notice, the reimbursement allowance shall be delinquent. The reimbursement allowance may remain unpaid during an appeal.

2. Except as otherwise provided in this section, if any reimbursement allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid and delinquent, the department of social services may compel the payment of such reimbursement allowance in the circuit court having jurisdiction in the county where the main offices of the Medicaid managed care organization are located. In addition, the director of the department of social services or the director's designee may cancel or refuse to issue, extend or reinstate a Medicaid contract agreement to any Medicaid managed care organization which fails to pay such delinquent reimbursement allowance required by sections 208.431 to 208.437 unless under appeal.

3. Except as otherwise provided in this section, failure to pay a delinquent reimbursement allowance imposed under sections 208.431 to 208.437 shall be grounds for denial, suspension or revocation of a license granted by the department of insurance, financial institutions and professional registration. The director of the department of insurance, financial institutions and professional registration may deny, suspend or revoke the license of a Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) which fails to pay a managed care organization's delinquent reimbursement allowance unless under appeal.

4. Nothing in sections 208.431 to 208.437 shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) granted by state law.

5. Sections 208.431 to 208.437 shall expire on [June] **September 30, [2009] 2011**.

208.480. Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, [2009] **2011**.”; and

Further amend said bill, page 16, section 208.819, line 28, by inserting immediately after said line the following:

“338.535. 1. The pharmacy tax owed or, if an offset has been made, the balance after such offset, if any,

shall be remitted by the pharmacy **or the pharmacy's designee** to the department of social services. The remittance shall be made payable to the director of the department of revenue and shall be deposited in the state treasury to the credit of the "Pharmacy Reimbursement Allowance Fund" which is hereby created to provide payments for services related to the Medicaid pharmacy program. All investment earnings of the fund shall be credited to the fund.

2. An offset authorized by section 338.530 or a payment to the pharmacy reimbursement allowance fund shall be accepted as payment of the obligation set forth in section 338.500.

3. The state treasurer shall maintain records showing the amount of money in the pharmacy reimbursement allowance fund at any time and the amount of investment earnings on such amount.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the pharmacy reimbursement allowance fund at the end of the biennium shall not revert to the credit of the general revenue fund.

338.550. 1. The pharmacy tax required by sections 338.500 to 338.550 shall expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies is changed resulting in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) [June] **September 30, [2009] 2011.**

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

2. Sections 338.500 to 338.550 shall expire on [June] **September 30, [2009] 2011.**

633.401. 1. For purposes of this section, the following terms mean:

(1) "Engaging in the business of providing health benefit services", accepting payment for health benefit services;

(2) "Intermediate care facility for the mentally retarded", a private or department of mental health facility which admits persons who are mentally retarded or developmentally disabled for residential habilitation and other services pursuant to chapter 630, RSMo. Such term shall include habilitation centers and private or public intermediate care facilities for the mentally retarded that have been certified to meet the conditions of participation under 42 CFR, Section 483, Subpart 1;

(3) "Net operating revenues from providing services of intermediate care facilities for the mentally retarded" shall include, without limitation, all moneys received on account of such services pursuant to rates of reimbursement established and paid by the department of social services, but shall not include charitable contributions, grants, donations, bequests and income from nonservice related fund-raising activities and government deficit financing, contractual allowance, discounts or bad debt;

(4) "Services of intermediate care facilities for the mentally retarded" has the same meaning as the term



used in Title 42 United States Code, Section 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a class of health care services recognized in federal Public Law 102-234, the Medicaid Voluntary Contribution and Provider Specific Tax Amendment of 1991.

2. Beginning July 1, 2008, each provider of services of intermediate care facilities for the mentally retarded shall, in addition to all other fees and taxes now required or paid, pay assessments on their net operating revenues for the privilege of engaging in the business of providing services of the intermediate care facilities for the mentally retarded or developmentally disabled in this state.

3. Each facility's assessment shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. For purposes of determining rates of payment under the medical assistance program for providers of services of intermediate care facilities for the mentally retarded, the assessment imposed pursuant to this section on net operating revenues shall be a reimbursable cost to be reflected as timely as practicable in rates of payment applicable within the assessment period, contingent, for payments by governmental agencies, on all federal approvals necessary by federal law and regulation for federal financial participation in payments made for beneficiaries eligible for medical assistance under Title XIX of the federal Social Security Act.

5. Assessments shall be submitted by or on behalf of each provider of services of intermediate care facilities for the mentally retarded on a monthly basis to the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the assessment payment owed for any month.

7. Assessment payments shall be deposited in the state treasury to the credit of the "Intermediate Care Facility Mentally Retarded Reimbursement Allowance Fund", which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the intermediate care facility mentally retarded reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Each provider of services of intermediate care facilities for the mentally retarded shall keep such records as may be necessary to determine the amount of the assessment for which it is liable under this section. On or before the forty-fifth day after the end of each month commencing July 1, 2008, each provider of services of intermediate care facilities for the mentally retarded shall submit to the department of social services a report on a cash basis that reflects such information as is necessary to determine the amount of the assessment payable for that month.

9. Every provider of services of intermediate care facilities for the mentally retarded shall submit a certified annual report of net operating revenues from the furnishing of services of intermediate care facilities for the mentally retarded. The reports shall be in such form as may be prescribed by rule by the director of the department of mental health. Final payments of the assessment for each year shall be due for all providers of services of intermediate care facilities for the mentally retarded upon the due date for submission of the certified annual report.

10. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed pursuant to the provisions of this section.

11. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying assessments required under this section, the director of the department of social services shall withhold, and shall remit to the director of the department of revenue, an assessment amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

12. In the event a provider objects to the estimate described in subsection 11 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the assessment determination and a final decision by the director of the department of mental health, an intermediate care facility for the mentally retarded provider's appeal of the director's final decision shall be to the administrative hearing commission in accordance with sections 208.156 and 621.055, RSMo.

13. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the facility is located. The circuit court shall hear the matter as the court of original jurisdiction.

14. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any intermediate care facility for the mentally retarded granted by state law.

15. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

16. The provisions of this section shall expire on [June] **September** 30, [2009] **2011.**"; and

Further amend said bill, page 18, section 1, line 3, by inserting immediately after said line the following:

"Section B. Because of the need for continued imposition and collection of certain provider taxes, the repeal and reenactment of sections 208.437, 208.480, 338.535, 338.550, and 633.401, RSMo of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 208.437, 208.480, 338.535, 338.550, and 633.401, RSMo, of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 395, Page 15, Section 208.016, Line 16, by inserting after all of said line the following:

“208.212. 1. For purposes of MO HealthNet eligibility, the stream of income from investment in annuities shall be excluded as an available resource for those annuities that:

(1) Are actuarially sound as measured against the Social Security Administration Life Expectancy Tables, as amended;

(2) Provide equal or nearly equal payments for the duration of the device and which exclude balloon-style final payments;

(3) Provide the state of Missouri secondary or contingent beneficiary status ensuring payment if the individual predeceases the duration of the annuity, in an amount equal to the MO HealthNet expenditure made by the state on the individual's behalf; and

(4) Name and pay the MO HealthNet claimant as the primary beneficiary.

**For purposes of this section, the primary beneficiary and the annuitant shall not be the same individual.**

2. The department shall establish a sixty month look-back period to review any investment in an annuity by an applicant for MO HealthNet benefits. If an investment in an annuity is determined by the department to have been made in anticipation of obtaining or with an intent to obtain eligibility for MO HealthNet benefits, the department shall have available all remedies and sanctions permitted under federal and state law regarding such investment. The fact that an investment in an annuity which occurred prior to August 28, 2005, does not meet the criteria established in subsection 1 of this section shall not automatically result in a disallowance of such investment.

3. The department of social services shall promulgate rules to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SCS** for **HB 395**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **HB 395**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer

McKenna	Nodler	Pearce	Ridgeway	Rupp	Schmitt	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28				

NAYS—Senator Crowell—1

Absent—Senators

Purgason	Scott	Wright-Jones—3
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Absent with leave—Senators

Bartle	Schaefer—2
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Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schmitt	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators—None

Absent—Senators

Champion	Purgason	Scott—3
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Absent with leave—Senators

Bartle	Schaefer—2
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Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON SECOND READING

The following Joint Resolutions and Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HJR 32**—Appropriations.

**HCS for HJR 36**—Ways and Means.

**HCS for HB 62**—Judiciary and Civil and Criminal Jurisprudence.

**HB 258**—Small Business, Insurance and Industry.

**HCS for HB 795**—Governmental Accountability and Fiscal Oversight.

**HB 354**—Transportation.

**HB 952**—Ways and Means.

**HCS for HB 152**—Judiciary and Civil and Criminal Jurisprudence.

**HB 845**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 246**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 575**—Jobs, Economic Development and Local Government.

**HCS for HB 553**—Governmental Accountability and Fiscal Oversight.

**HB 716**—Health, Mental Health, Seniors and Families.

**HB 734**—Agriculture, Food Production and Outdoor Resources.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 355**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS for SCS for HCS for HB 2** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS for SCS for HCS for HB 3** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 4** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 5** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 6** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 7** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 8** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 9** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 10** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 11** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 12** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 13** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

On motion of Senator Engler, the Senate recessed until 2:00 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

## **RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 897, regarding Emily Tiehes, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 898, regarding Bridgett Schumer, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 899, regarding Elizabeth Kiefer, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 900, regarding Rachael Gruenwald, Altenburg, which was adopted.

Senator Crowell offered Senate Resolution No. 901, regarding Emma Coleman, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 902, regarding Cassidy Brown, Cape Girardeau, which was adopted.

Senator Rupp offered Senate Resolution No. 903, regarding Sara Gillam, O'Fallon, which was adopted.

Senator Barnitz offered Senate Resolution No. 904, regarding Alyssa Thoenen, Bonnots Mill, which was adopted.

Senator Barnitz offered Senate Resolution No. 905, regarding Rae Annette Boeckmann, Loose Creek, which was adopted.

Senator Barnitz offered Senate Resolution No. 906, regarding Brittanie Bescheinen, Loose Creek, which was adopted.

Senator Engler offered Senate Resolution No. 907, regarding Terry D. Edgar, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 908, regarding Sandra Kay Thompson, which was adopted.

Senator Engler offered Senate Resolution No. 909, regarding Joyce A. Courtois, which was adopted.

Senator Engler offered Senate Resolution No. 910, regarding Dan Hoffmann, which was adopted.

Senator Engler offered Senate Resolution No. 911, regarding Helen Berck, which was adopted.

Senator Clemens offered Senate Resolution No. 912, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Wayne Ragsdale, Ozark, which was adopted.

### HOUSE BILLS ON THIRD READING

**HB 747**, introduced by Representative Witte, entitled:

An Act to repeal section 566.145, RSMo, and to enact in lieu thereof one new section relating to sexual contact with a prisoner or offender, with a penalty provision.

Was taken up by Senator Shoemyer.

On motion of Senator Shoemyer, **HB 747** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

#### NAYS—Senators—None

Absent—Senators

Barnitz Mayer—2

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shoemyer, title to the bill was agreed to.

Senator Shoemyer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **PRIVILEGED MOTIONS**

Senator Nodler requested unanimous consent of the Senate to be allowed to make one motion to send **SS for SCS for HCS for HB 2; SS for SCS for HCS for HB 3; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for HCS for HB 6; SCS for HCS for HB 7; SCS for HCS for HB 8; SCS for HCS for HB 9; SCS for HCS for HB 10; SCS for HCS for HB 11; SCS for HCS for HB 12; and SCS for HB 13** to conference in one motion, which request was granted.

Senator Nodler moved that the Senate refuse to recede from its position on **SS for SCS for HCS for HB 2; SS for SCS for HCS for HB 3; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for HCS for HB 6; SCS for HCS for HB 7; SCS for HCS for HB 8; SCS for HCS for HB 9; SCS for HCS for HB 10; SCS for HCS for HB 11; SCS for HCS for HB 12; and SCS for HB 13** and grant the House a conference thereon, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

**HCS for HB 661**, entitled:

An Act to repeal sections 260.273, 260.275, and 260.276, RSMo, and to enact in lieu thereof three new sections relating to tire disposal.

Was taken up by Senator Stouffer.

Senator Stouffer offered **SS for HCS for HB 661**, entitled:

#### **SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 661**

An Act to repeal sections 260.273, 260.275, 260.276, 640.107, 640.150, 644.036, 644.054, and 644.101, RSMo, and to enact in lieu thereof seventeen new sections relating to programs administered by the department of natural resources, with an emergency clause for certain sections.

Senator Stouffer moved that **SS for HCS for HB 661** be adopted.

Senator Crowell offered **SA 1**, which was read:



## SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 661, Pages 1-4, Section 260.273, by removing said section from the bill; and

Further amend pages 7-11, section 260.1250, by striking said section from the bill; and

Further amend said bill, Pages 11 to 12, Section 260.1253, by striking said section from the bill; and

Further amend said bill, Page 13, Section 260.1256, Lines 1 to 14 of said page, by striking said section from the bill; and

Further amend said bill, Pages 13 to 14, Section 260.1259, by striking said section from the bill; and

Further amend said bill, Pages 14 to 15, Section 260.1262, by striking said section from the bill; and

Further amend said bill, Pages 15 to 16, Section 260.1265, by striking said section from the bill; and

Further amend said bill, Page 16, Section 260.1268, Lines 14 to 24 of said page, by striking said section from the bill; and

Further amend said bill, Pages 16 to 17, Section 260.1271, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

At the request of Senator Stouffer, **HCS** for **HB 661**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 488**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 257**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 659**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 683**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 89**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

### **HOUSE BILLS ON THIRD READING**

**HB 269**, with **SCS**, introduced by Representative Parson, et al, entitled:

An Act to repeal section 301.190, RSMo, and to enact in lieu thereof one new section relating to motor vehicle and trailer certificates of ownership.

Was taken up by Senator Scott.

**SCS** for **HB 269**, entitled:

### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 269**

An Act to repeal sections 301.190, 306.410, 430.082, and 700.320, RSMo, and to enact in lieu thereof four new sections relating to certificates of ownership, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **HB 269** be adopted.

Senator Griesheimer offered **SA 1**:

### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Bill No. 269, Page 6, Section 301.190, Line 190, by inserting immediately after said line the following:

“301.218. 1. No person shall, except as an incident to the sale, repair, rebuilding or servicing of vehicles by a licensed franchised motor vehicle dealer carry on or conduct the following business unless licensed to do so by the department of revenue under sections 301.217 to 301.229:

(1) Selling used parts of or used accessories for vehicles as a used parts dealer, as defined in section 301.010;

(2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof as a salvage dealer or dismantler, as defined in section 301.010;

(3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar year as a rebuilder or body shop, as defined in section 301.010;

(4) Processing scrapped vehicles or vehicle parts as a mobile scrap processor, as defined in section 301.010.

2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to persons actually engaged in and holding a current license under sections 301.217 to 301.221 and 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his or her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor vehicles or salvage vehicles, and to persons who reside in a foreign country that are purchasing salvage vehicles for export outside of the United States. Operators of salvage pools or salvage disposal sales shall keep a record, for three years, of sales of salvage

vehicles with the purchasers' name and address, and the year, make, and vehicle identification number for each vehicle. These records shall be open for inspection as provided in section 301.225. Such records shall be submitted to the department on a quarterly basis.

3. The [seller of] **operator of a salvage pool or salvage disposal sale, or subsequent purchaser, who sells** a nonrepairable motor vehicle or a salvage motor vehicle to a person who is not a resident of the United States at a salvage pool or a salvage disposal sale shall:

(1) Stamp on the face of the title so as not to obscure any name, date, or mileage statement on the title the words "FOR EXPORT ONLY" in capital letters that are black; and

(2) Stamp in each unused reassignment space on the back of the title the words "FOR EXPORT ONLY" and print the number of the dealer's salvage vehicle license, name of the salvage pool, or the name of the governmental entity, as applicable.

The words "FOR EXPORT ONLY" required under subdivisions (1) and (2) of this subsection shall be at least two inches wide and clearly legible. Copies of the stamped titles shall be forwarded to the department.

4. The director of revenue shall issue a separate license for each kind of business described in subsection 1 of this section, to be entitled and designated as either "used parts dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "mobile scrap processor" license."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 269, Page 6, Section 301.190, Line 190, by inserting immediately after said line the following:

"301.560. 1. In addition to the application forms prescribed by the department, each applicant shall submit the following to the department:

(1) Every application other than a renewal application for a motor vehicle franchise dealer shall include a certification that the applicant has a bona fide established place of business. Such application shall include an annual certification that the applicant has a bona fide established place of business for the first three years and only for every other year thereafter. The certification shall be performed by a uniformed member of the Missouri state highway patrol or authorized or designated employee stationed in the troop area in which the applicant's place of business is located; except that in counties of the first classification, certification may be performed by an officer of a metropolitan police department when the applicant's established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed. When the application is being made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a uniformed member of the Missouri state water patrol stationed in the district area in which the applicant's place of business is located or by a uniformed member of the Missouri state highway patrol stationed in the troop area in which the applicant's place of business is located or, if the applicant's place of business is located within the jurisdiction of a metropolitan police department in a first class county, by an officer of such metropolitan police department. A bona fide established place of business for any new motor vehicle franchise dealer, used motor vehicle

dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall be a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or trailers and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The applicant's place of business shall contain a working telephone which shall be maintained during the entire registration year. In order to qualify as a bona fide established place of business for all applicants licensed pursuant to this section there shall be an exterior sign displayed carrying the name of the business set forth in letters at least six inches in height and clearly visible to the public and there shall be an area or lot which shall not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall contain the name of the dealership by which it is known to the public through advertising or otherwise, which need not be identical to the name appearing on the dealership's license so long as such name is registered as a fictitious name with the secretary of state, has been approved by its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name registration has been provided to the department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt from maintaining a bona fide place of business, including the related law enforcement certification requirements, and from meeting the minimum yearly sales;

(2) The initial application for licensure shall include a photograph, not to exceed eight inches by ten inches but no less than five inches by seven inches, showing the business building, lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing dealership building, lot and sign but shall be required to submit a new photograph upon the installation of the new dealership sign as required by sections 301.550 to 301.573. Applicants shall not be required to submit a photograph annually unless the business has moved from its previously licensed location, or unless the name of the business or address has changed, or unless the class of business has changed;

(3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by any state or federal financial institution in the penal sum of twenty-five thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish with the application a copy of a current dealer garage policy bearing the policy number and name of the insurer and the insured;

(4) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.

2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction, trailer dealer, or a public motor vehicle auction submits an application for a license for a new business and the applicant has complied with all the provisions of this section, the department shall make a decision to grant or deny the license to the applicant within eight working hours after receipt of the dealer's application, notwithstanding any rule of the department.

3. Upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number and two additional number plates or certificates of number within eight working hours after presentment of the application. Upon renewal, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer.

4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:

New motor vehicle franchise dealers D-0 through D-999

New powersport dealers and motorcycle franchise

dealers D-1000 through D-1999

Used motor vehicle, used powersport, and used motorcycle

dealers D-2000 through D-9999

Wholesale motor vehicle dealers W-0 through W-1999

Wholesale motor vehicle auctions WA-0 through WA-999

New and used trailer dealers T-0 through T-9999

Motor vehicle, trailer, and boat

manufacturers DM-0 through DM-999

Public motor vehicle auctions A-0 through A-1999

Boat dealers M-0 through M-9999

New and used recreational motor vehicle

dealers RV-0 through RV-999

For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.

The provisions of this subsection shall become effective on the date the director of the department of revenue begins to reissue new license plates under section 301.130, or on December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new license plates under the authority granted under section 301.130 prior to December 1, 2008, the director of the department of revenue shall notify the revisor of statutes of such fact.

5. Upon the sale of a currently licensed new motor vehicle franchise dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer.

6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue two additional number plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each additional number plate. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. Additional number plates and as many additional certificates of number may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor vehicle manufacturers shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually, **except that this limitation shall not apply to any wholesale motor vehicle dealer that is operated in conjunction with a wholesale motor vehicle auction by the same owner.** New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or

certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a distinctive dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of sales during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle, for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and boat manufacturers may display their certificate of number on a vessel or vessel trailer when transporting a vessel or vessels to an exhibit or show.

9. (1) Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and public auto auctions and applicants currently holding a new or used license for a separate dealership shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006.

(2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer sections 301.550 to 301.570, and any other rules and regulations promulgated by the department.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Green raised the point of order that **SA 2** is out of order.

The point of order was referred to the President Pro Tem who ruled it not well taken.

**SA 2** was again taken up.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **HB 269**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HB 269** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Cunningham	Days	Dempsey
Goodman	Green	Justus	Lager	Lembke	McKenna	Nodler	Pearce
Ridgeway	Rupp	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Crowell	Griesheimer	Mayer	Purgason—4
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Absent—Senators

Clemens	Engler—2
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Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 91**, with **SCS**, introduced by Representative Pollock, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

Was taken up by Senator Purgason.

**SCS** for **HB 91**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 91

An Act to amend chapter 227, RSMo, by adding thereto seven new sections relating to the designation of state highways and bridges.

Was taken up.

Senator Purgason moved that **SCS** for **HB 91** be adopted, which motion prevailed.

On motion of Senator Purgason, **SCS** for **HB 91** was read the 3rd time and passed by the following vote:



## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

## NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 2**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 3**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 4**: Senators Nodler, Mayer, Rupp, Green and Bray.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 5**: Senators Nodler, Mayer, Rupp, Green and Bray.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 6**: Senators Nodler, Mayer, Bray, Green and Rupp.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 7**: Senators Nodler, Mayer, Green, Bray and Rupp.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 8**: Senators Nodler, Mayer, Green, Rupp and Bray.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 9**: Senators Nodler, Mayer, Bray, Rupp and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 10**: Senators Nodler, Mayer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 11**: Senators Nodler, Mayer, Green, Rupp and Bray.

President Pro Tem Shields appointed the following conference committee to act with a like committee

from the House on **SCS** for **HCS** for **HB 12**: Senators Nodler, Mayer, Green, Bray and Rupp.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 13**: Senators Nodler, Mayer, Rupp, Bray and Green.

### **HOUSE BILLS ON THIRD READING**

Senator Stouffer moved that **HCS** for **HB 661**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Crowell, the above amendment was withdrawn.

Senator Stouffer offered **SA 2**, which was read:

#### **SENATE AMENDMENT NO. 2**

Amend Senate Substitute for House Committee Substitute for House Bill No. 661, Pages 7-11, Section 260.1250, by striking said section from the bill; and

Further amend said bill, Pages 11 to 12, Section 260.1253, by striking said section from the bill; and

Further amend said bill, Page 13, Section 260.1256, Lines 1 to 14 of said page, by striking said section from the bill; and

Further amend said bill, Pages 13 to 14, Section 260.1259, by striking said section from the bill; and

Further amend said bill, Pages 14 to 15, Section 260.1262, by striking said section from the bill; and

Further amend said bill, Pages 15 to 16, Section 260.1265, by striking said section from the bill; and

Further amend said bill, Page 16, Section 260.1268, Lines 14 to 24 of said page, by striking said section from the bill; and

Further amend said bill, Pages 16 to 17, Section 260.1271, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 3**, which was read:

#### **SENATE AMENDMENT NO. 3**

Amend Senate Substitute for House Committee Substitute for House Bill No. 661, Page 1, Section A, Line 7, by inserting immediately after said line the following:

**“204.659. No person who owns real property that is used for residential purposes within the boundaries of any district created under section 30 of article VI of the Missouri Constitution shall be assessed any fee, charge, or tax for storm water management services if the district does not directly provide sanitary sewer services to such property and if the storm water runoff from such person's property does not flow, or is not otherwise conveyed, to a sewer maintained by such district.”; and**

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **HCS** for **HB 661**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **HCS** for **HB 661**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

## NAYS—Senators

Bartle                      Crowell—2

Absent—Senator Clemens—1

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Rupp	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

## NAYS—Senators

Bartle                      Ridgeway—2

Absent—Senator Clemens—1

Absent with leave—Senator Schaefer—1

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 299**, with **SCS**, be taken up for perfection, which motion prevailed.

Senator Dempsey assumed the Chair.

**SCS** for **SB 299**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 299

An Act to repeal sections 393.130, 393.275, 660.110, 660.115, and 660.122, RSMo, and to enact in lieu thereof five new sections relating to utilities.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 299** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 299**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 299

An Act to repeal sections 393.130, 393.275, and 660.122, RSMo, and to enact in lieu thereof three new sections relating to utilities.

Senator Griesheimer moved that **SS** for **SCS** for **SB 299** be adopted.

Senator Justus offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 299, Pages 1-4, Section 393.130, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 299, Page 6, Section 393.275, Line 11, by striking the word “and”; and further amend line 15 by inserting after the word “customers” the following:

“; and

**(4) Require the portion of customer rate attributable to this subsection to be listed as a separate line item on customer bills”.**

Senator Bray moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Griesheimer, **SB 299**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Goodman moved that **SB 197**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 197**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 197

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology

services.

Was taken up.

Senator Goodman moved that **SCS** for **SB 197** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 197** was declared perfected and ordered printed.

Senator Lager moved that **SB 458** be taken up for perfection, which motion prevailed.

On motion of Senator Lager, **SB 458** was declared perfected and ordered printed.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 154**, entitled:

An Act to repeal section 210.565, RSMo, and to enact in lieu thereof two new sections relating to grandparents as preferential placement for children.

Was taken up by Senator Shields.

Senator Shields offered **SS** for **HCS** for **HB 154**, entitled:

#### **SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 154**

An Act to repeal section 210.565, RSMo, and to enact in lieu thereof two new sections relating to grandparents as preferential placement for children.

Senator Shields moved that **SS** for **HCS** for **HB 154** be adopted.

Senator Barnitz offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for House Committee Substitute for House Bill No. 154, Page 3, Section 210.565, Line 16, by striking all of said line and inserting in lieu thereof the following:

**“grandparent or grandparents should be considered for placement or joint placement.”.**

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 2**:

#### **SENATE AMENDMENT NO. 2**

Amend Senate Substitute for House Committee Substitute for House Bill No. 154, Page 1, Section A, Line 3, by inserting in lieu thereof the following:

**“167.018. 1. Sections 167.018 and 167.019 shall be known and may be cited as the “Foster Care Education Bill of Rights”.**

**2. Each school district shall designate a staff person as the educational liaison for foster care children. The liaison shall do all of the following in an advisory capacity:**

**(1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children;**

**(2) Assist foster care pupils when transferring from one school to another or from one school**

**district to another, by ensuring proper transfer of credits, records, and grades;**

**(3) Request school records, as provided in section 167.022, within two business days of placement of a foster care pupil in a school; and**

**(4) Submit school records of foster care pupils within three business days of receiving a request for school records, under subdivision (3) of this subsection.**

**167.019. 1. A child placing agency, as defined under section 210.481, RSMo, shall promote educational stability for foster care children by considering the child's school attendance area when making placement decisions. The foster care pupil shall have the right to remain enrolled in and attend his or her school of origin pending resolution of school placement disputes.**

**2. Each school district shall accept for credit full or partial course work satisfactorily completed by a pupil while attending a public school, nonpublic school, or nonsectarian school in accordance with district policies or regulations.**

**3. If a pupil completes the graduation requirements of his or her school district of residence while under the jurisdiction of the juvenile court as described in chapter 211, RSMo, the school district of residence shall issue a diploma to the pupil.**

**4. School districts shall ensure that if a pupil in foster care is absent from school due to a decision to change the placement of a pupil made by a court or child placing agency, or due to a verified court appearance or related court-ordered activity, the grades and credits of the pupil shall be calculated as of the date the pupil left school, and no lowering of his or her grades shall occur as a result of the absence of the pupil under these circumstances.**

**5. School districts, subject to federal law, shall be authorized to permit access of pupil school records to any child placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile officer or by law and to assist with the school transfer or placement of a pupil.**

**6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and**

Further amend said bill, page 4, section 210.565, line 16, by inserting immediately after said line the following:

**“210.1050. 1. For purposes of this section, for pupils in foster care or children placed for treatment in a licensed residential care facility by the department of social services, “full school day” shall mean six hours in which the child is under the guidance and direction of teachers in the educational process.**

**2. Each pupil in foster care or child placed for treatment in a licensed residential care facility by the department of social services shall be entitled to a full school day of education unless the school district determines that fewer hours are warranted.**

**3. The commissioner of education, or his or her designee, shall be an ombudsman to assist the family support team and the school district as they work together to meet the needs of children placed**

for treatment in a licensed residential care facility by the department of social services. The ombudsman shall have the final decision over discrepancies regarding school day length. A full school day of education shall be provided pending the ombudsman's final decision.

**4. Nothing in this section shall be construed to infringe upon the rights or due process provisions of the federal Individuals with Disabilities Education Act. The provisions of the Individuals with Disabilities Education Act shall apply and control in decisions regarding school day. Nothing in this section shall be construed to deny any child domiciled in Missouri appropriate and necessary free public education services.”; and**

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 3:**

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 154, Page 1, In the Title, Line 3, by striking “grandparents as”; and further amend line 4, by striking all of said line and inserting in lieu thereof the following: “child programs administered by the department of social services.”; and

Further amend said bill and page, section A, line 3 of said page, by inserting after all of said line the following:

**“208.046. 1. The children's division shall promulgate rules to become effective no later than July 1, 2010, to modify the income eligibility criteria for any person receiving state-funded child care assistance under this chapter, either through vouchers or direct reimbursement to child care providers, as follows:**

**(1) Child care recipients eligible under this chapter and the criteria set forth in 13 CSR 35-32.010, may pay a fee based on gross income and family size unit based on a child care sliding fee scale established by the children's division, which shall be subject to appropriations. However, a person receiving state-funded child care assistance under this chapter and whose income surpasses the annual appropriation level may continue to receive reduced subsidy benefits on a scale established by the children's division until such person's income reaches forty-five percent above such annual appropriation level, at which time such person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall be no longer eligible for child care subsidy benefits;**

**(2) The sliding scale fee may be waived for children with special needs as established by the division; and**

**(3) The maximum payment by the division shall be the applicable rate minus the applicable fee.**

**2. For purposes of this section, “annual appropriation level” shall mean the percentage of the federal poverty level for the applicable family size necessary to be eligible for the subsidy under this section as determined by annual appropriation.**

**3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general**

**assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 4:**

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for House Committee Substitute for House Bill No. 154, Page 4, Section 210.565, Line 16, by inserting after all of said line the following:

“475.010. When used in this chapter, unless otherwise apparent from the context, the following terms mean:

(1) “Adult”, a person who has reached the age of eighteen years;

(2) “Claims”, liabilities of the protectee arising in contract, in tort or otherwise, before or after the appointment of a conservator, and liabilities of the estate which arise at or after the adjudication of disability or after the appointment of a conservator of the estate, including expenses of the adjudication and of administration. The term does not include demands or disputes regarding title of the protectee to specific assets alleged to be included in the estate;

(3) “Conservator”, one appointed by a court to have the care and custody of the estate of a minor or a disabled person. A “limited conservator” is one whose duties or powers are limited. The term “conservator”, as used in this chapter, includes “limited conservator” unless otherwise specified or apparent from the context;

**(4) “Custodial parent”, the parent of a minor who has been awarded sole or joint physical custody of such minor, or the parent of an incapacitated person who has been appointed as guardian of such person, by an order or judgment of a court of this state or of another state or territory of the United States, or if there is no such order or judgment, the parent with whom the minor or incapacitated person primarily resides;**

(5) “Disabled” or “disabled person”, one who is:

(a) Unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks ability to manage his financial resources[.]; or

(b) The term “disabled” or “disabled person”, as used in this chapter includes the terms “partially disabled” or “partially disabled person” unless otherwise specified or apparent from the context;

[(5)] (6) “Eligible person” or “qualified person”, a natural person, social service agency, corporation or national or state banking organization qualified to act as guardian of the person or conservator of the estate pursuant to the provisions of section 475.055;

[(6)] (7) “Guardian”, one appointed by a court to have the care and custody of the person of a minor or of an incapacitated person. A “limited guardian” is one whose duties or powers are limited. **A “standby guardian” is one approved by the court to temporarily assume the duties of guardian of a minor or of an incapacitated person under section 475.046.** The term “guardian”, as used in this chapter, includes



“limited guardian” **and “standby guardian”** unless otherwise specified or apparent from the context;

[(7)] **(8)** “Guardian ad litem”, one appointed by a court, in which particular litigation is pending, to represent a minor, an incapacitated person, a disabled person, or an unborn person in that particular proceeding or as otherwise specified in this code;

[(8)] **(9)** “Habilitation”, instruction, training, guidance or treatment designed to enable and encourage a mentally retarded or developmentally disabled person as defined in chapter 630, RSMo, to acquire and maintain those life skills needed to cope more effectively with the demands of his **or her** own person and of his **or her** environment;

[(9)] **(10)** “Incapacitated person”, one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that he **or she** lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur. The term “incapacitated person” as used in this chapter includes the term “partially incapacitated person” unless otherwise specified or apparent from the context;

[(10)] **(11)** “Least restrictive environment”, that there shall be imposed on the personal liberty of the ward only such restraint as is necessary to prevent [him] **the ward** from injuring himself **or herself** and others and to provide [him] **the ward** with such care, habilitation and treatment as are appropriate for [him] **the ward** considering his **or her** physical and mental condition and financial means;

[(11)] **(12)** “Manage financial resources”, either those actions necessary to obtain, administer, and dispose of real and personal property, intangible property, business property, benefits, income or any assets, or those actions necessary to prevent waste, loss or dissipation of property, or those actions necessary to provide for the care and support of such person or anyone legally dependent upon [him] **such person** by a person of ordinary skills and intelligence commensurate with his **or her** training and education;

[(12)] **(13)** “Minor”, any person who is under the age of eighteen years;

**(14) “Parent”, the biological or adoptive mother or father of a child whose parental rights have not been terminated under chapter 211, RSMo, including:**

**(a) A person registered as the father of the child by reason of an unrevoked notice of intent to claim paternity under section 192.016, RSMo;**

**(b) A person who has acknowledged paternity of the child and has not rescinded that acknowledgment under section 193.215, RSMo; and**

**(c) A person presumed to be the natural father of the child under section 210.822, RSMo;**

[(13)] **(15)** “Partially disabled person”, one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that [he] **such person** lacks capacity to manage, in part, his **or her** financial resources;

[(14)] **(16)** “Partially incapacitated person”, one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to the extent that [he] **such person** lacks capacity to meet, in part, essential requirements for food, clothing, shelter, safety, or other care without court-ordered assistance;

[(15)] **(17)** “Protectee”, a person for whose estate a conservator or limited conservator has been appointed or with respect to whose estate a transaction has been authorized by the court under section 475.092 without appointment of a conservator or limited conservator;

**(18) “Seriously ill”, a significant likelihood that a person will become incapacitated or die within twelve months;**

[(16)] **(19)** “Social service agency”, a charitable organization organized and incorporated as a not-for-profit corporation under the laws of this state and which qualifies as an exempt organization within the meaning of section 501(c)(3), or any successor provision thereto of the federal Internal Revenue Code;

**(20) “Standby guardian”, one who is authorized to have the temporary care and custody of the person of a minor or of an incapacitated person under the provisions of section 475.046;**

[(17)] **(21)** “Treatment”, the prevention, amelioration or cure of a person's physical and mental illnesses or incapacities;

[(18)] **(22)** “Ward” [is], a minor or an incapacitated person for whom a guardian [or], limited guardian, **or standby guardian** has been appointed.

475.045. 1. Except in cases where they fail or refuse to give required security or are adjudged unfit for the duties of guardianship or conservatorship, or waive their rights to be appointed, the following persons, if otherwise qualified, shall be appointed as guardians or conservators of minors:

(1) The parent or parents of the minor, except as provided in section 475.030;

(2) If any minor over the age of fourteen years has no qualified parent living, a person nominated by the minor, unless the court finds appointment contrary to the best interests of the minor;

(3) Where both parents of a minor are dead, any person appointed **under this section or section 475.046** by the will of the last surviving parent, who has not been adjudged unfit or incompetent for the duties of guardian or conservator.

2. Unfitness of any of the persons mentioned in subsection 1 for the duties of guardianship or conservatorship may be adjudged by the court after due notice and hearing.

3. If no appointment is made under subsection 1 **of this section**, the court shall appoint as guardian or conservator of a minor the most suitable person who is willing to serve **and whose appointment serves the best interests of the child to a stable and permanent placement**.

**475.046. 1. A custodial parent may designate a person to act as standby guardian of a minor or incapacitated person by a will that complies with the requirements of section 474.320, RSMo, or by a separate written instrument which is dated and is either duly executed and acknowledged by the custodial parent or is signed by the custodial parent in the presence of at least two disinterested witnesses and subscribed by the witnesses. If the custodial parent executes more than one document designating a standby guardian and there is a conflict between the documents as to the person designated, the document bearing the latest date shall control.**

**2. If a custodial parent who has designated a standby guardian is or becomes seriously ill, the custodial parent or the person designated as standby guardian may file a petition in the probate division of the circuit court of the county which would be of proper venue for the appointment of a guardian of the minor or incapacitated person seeking appointment of the designated person as standby guardian. A copy of the will or separate written instrument designating the standby guardian and a consent to act as standby guardian signed by the person designated shall be filed with the petition, which petition shall state:**

**(1) The name, age, domicile, actual place of residence, and mailing address of the minor or**

**incapacitated person;**

**(2) The name and address of the custodial parent and of the designated standby guardian;**

**(3) The name and address of each parent of the minor or incapacitated person and whether that parent is living or dead;**

**(4) The name and address of the spouse, if applicable, and the names, ages, and addresses of all living children of the minor or incapacitated person;**

**(5) If the person for whom appointment of a standby guardian is sought has been adjudicated incapacitated, the date of adjudication and the name and address of the court which entered the judgment; and**

**(6) The reasons why the appointment of a standby guardian is sought.**

**Proceedings on the petition shall be conducted in the same manner as would be applicable in a case for appointment of a successor guardian under section 475.115.**

**3. The court shall determine appointment of a standby guardian in accordance with the best interests of the minor or incapacitated person after considering all relevant factors, including:**

**(1) Whether there is a parent other than the custodial parent and, if so, whether the other parent is willing, able, and fit to assume the duties of a parent;**

**(2) The suitability of a person nominated by the minor or incapacitated person if he or she is, at the time of hearing, able to communicate a reasonable choice; and**

**(3) The desirability of providing arrangements for the care, custody, and control of the minor or incapacitated person which shall minimize stress and disruption and avoid his or her placement in foster or similar care pending appointment of a guardian if the custodial parent is adjudicated incapacitated or dies.**

**4. If it appears to the court that a standby guardian should be appointed for a minor or incapacitated person, the court may appoint a standby guardian.**

**5. The authority of a person to act as standby guardian for a minor or incapacitated person shall only take effect as follows:**

**(1) If the person has previously been appointed by the court as standby guardian, upon the granting of letters of standby guardianship to the person previously appointed as provided in the order appointing the standby guardian; or**

**(2) If the person has not previously been appointed by the court as standby guardian, either because a petition for appointment has not been filed or because a petition has been filed but the proceedings are still pending, upon the first to occur of the following:**

**(a) The consent of the custodial parent in a writing duly executed and acknowledged by the custodial parent;**

**(b) Entry of an order adjudicating the custodial parent to be incapacitated; or**

**(c) The death of the custodial parent.**

**The person shall, within ten days after he or she begins to act as standby guardian, notify the court in writing of that fact and of the reasons therefor. The court may grant letters of standby**

guardianship to the person or, if the court deems it advisable, conduct a hearing to determine the propriety of the person having begun, and continuing, to act as standby guardian and the propriety of issuing letters of standby guardianship to the person.

6. A person acting as standby guardian of a minor or incapacitated person shall, within sixty days after he or she begins to act, petition the court for appointment of the standby guardian or some other qualified person as guardian of the minor or incapacitated person. Proceedings on the petition shall be conducted in the same manner as would be applicable in a case for appointment of a successor guardian under section 475.115.

7. Nothing in this section shall be construed to:

(1) Deprive a parent of his or her legal rights with respect to a minor or incapacitated person who is a child of that parent, including court ordered visitation with the child, nor to authorize a grant of authority to a standby guardian which would supersede any such rights; or

(2) Relieve a parent of his or her legal obligations or duties to a minor or incapacitated person who is a child of that parent, including a duty to support the child in accordance with a court or administrative order.

8. Except to the extent determined by the court to be inconsistent with the provisions of this section or as expressly provided in this section, the laws applicable to guardianship proceedings shall apply to all proceedings under this section.

475.105. 1. When a duly appointed guardian or conservator has given bond, as required by law, and the bond has been approved, letters under the seal of the court shall be issued to [him] **the person appointed**. Such letters shall specify whether they are of guardianship [or], limited guardianship, **or standby guardianship** of the person, or conservatorship or limited conservatorship of the estate, or both, and the original or duly certified copies thereof shall be prima facie evidence of the facts therein stated.

2. Letters of guardianship and conservatorship for minors may be in the following form:

IN THE PROBATE DIVISION OF THE CIRCUIT COURT  
OF . . . . . COUNTY, MISSOURI  
LETTERS OF **(STANDBY)** GUARDIANSHIP (AND  
CONSERVATORSHIP) OF MINOR

Estate No. . . . .

On . . . . ., . . . . . was appointed and has qualified as **(standby)** guardian of the person (and conservator of the estate) for the following minor(s):

. . . . . Born . . . . ., 20. . . . .  
. . . . . Born . . . . ., 20. . . . .  
. . . . . Born . . . . ., 20. . . . .  
. . . . . Born . . . . ., 20. . . . .

By reason thereof, the above-named **(standby)** guardian (and conservator) is authorized and empowered to perform the duties of such **(standby)** guardian (and conservator) as provided by law under the supervision of the court having care and custody of the person (and of the estate) of the above-named minor(s).

IN TESTIMONY WHEREOF, the undersigned Clerk has signed these letters and affixed the seal of this court on . . . . .

.....  
Clerk

Recorded on . . . . ., in Book . . . . . at Page . . . . .

.....  
Clerk

3. Letters of guardianship and conservatorship for incapacitated and disabled persons may be in the following form:

IN THE PROBATE DIVISION OF THE CIRCUIT COURT  
OF . . . . . COUNTY, MISSOURI  
LETTERS OF **(STANDBY)** GUARDIANSHIP OF INCAPACITATED  
PERSON (AND CONSERVATORSHIP OF DISABLED PERSON)

Estate No. . . . .

On . . . . ., . . . . . was appointed and has qualified as **(standby)** guardian of the person (and conservator of the estate) for . . . . ., an incapacitated (and disabled) person.

By reason thereof, the above-named **(standby)** guardian (and conservator) is authorized and empowered to perform the duties of such **(standby)** guardian (and conservator) as provided by law under the supervision of the court having care and custody of the person (and estate) of the above-named incapacitated (and disabled) person.

IN TESTIMONY WHEREOF, the undersigned Clerk has signed these letters and affixed the seal of this court on . . . ., 20 . . .

.....  
Clerk"; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 5**, which was read:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for House Committee Substitute for House Bill No. 154, Page 2, Section 210.305, Line 17 of said page, by striking the word "three" and inserting in lieu thereof the following: **"twenty-four"**; and

Further amend line 19 of said page by striking the word "three-hour" and inserting in lieu thereof the following: **"twenty-four hour"**; and

Further amend said section, line 21 of said page, by striking the word "three-hour" and inserting in lieu thereof the following: **"twenty-four hour"**.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Committee Substitute for House Bill No. 154, Page 4, Section 210.565, Line 16, by inserting after all of said line the following:

**“7. The guardian ad litem shall ascertain the child's wishes and feelings about his or her placement by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered as a factor in placement decisions and recommendations, but shall not supersede the preference for relative placement created by this section or be contrary to the child's best interests.**

453.030. 1. In all cases the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court, demand.

2. The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient mental capacity to give the same. **In a case involving a child under fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings about his or her adoption by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered by the court as a factor in determining if the adoption is in the child's best interests.**

3. With the exceptions specifically enumerated in section 453.040, when the person sought to be adopted is under the age of eighteen years, the written consent of the following persons shall be required and filed in and made a part of the files and record of the proceeding:

(1) The mother of the child; and

(2) Only the man who:

(a) Is presumed to be the father pursuant to the subdivision (1), (2), or (3) of subsection 1 of section 210.822, RSMo; or

(b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child and has served a copy of the petition on the mother in accordance with section 506.100, RSMo; or

(c) Filed with the putative father registry pursuant to section 192.016, RSMo, a notice of intent to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after the child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child; or

(3) The child's current adoptive parents or other legally recognized mother and father.

Upon request by the petitioner and within one business day of such request, the clerk of the local court shall verify whether such written consents have been filed with the court.

4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section may be executed before or after the commencement of the adoption proceedings, and shall be acknowledged before

a notary public. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding. The notary public or witnesses shall verify the identity of the party signing the consent.

5. The written consent required in subdivision (1) of subsection 3 of this section by the birth parent shall not be executed anytime before the child is forty-eight hours old. Such written consent shall be executed in front of a judge or a notary public. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding. The notary public or witnesses shall verify the identity of the party signing the consent.

6. The written consents shall be reviewed and, if found to be in compliance with this section, approved by the court within three business days of such consents being presented to the court. Upon review, in lieu of approving the consent within three business days, the court may set a date for a prompt evidentiary hearing upon notice to the parties. Failure to review and approve the written consent within three business days shall not void the consent, but a party may seek a writ of mandamus from the appropriate court, unless an evidentiary hearing has been set by the court pursuant to this subsection.

7. The written consent required in subsection 3 of this section may be withdrawn anytime until it has been reviewed and accepted by a judge.

8. A consent form shall be developed through rules and regulations promulgated by the department of social services. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. If a written consent is obtained after August 28, 1997, but prior to the development of a consent form by the department and the written consent complies with the provisions of subsection 9 of this section, such written consent shall be deemed valid.

9. However, the consent form must specify that:

(1) The birth parent understands the importance of identifying all possible fathers of the child and may provide the names of all such persons; and

(2) The birth parent understands that if he denies paternity, but consents to the adoption, he waives any future interest in the child.

10. The written consent to adoption required by subsection 3 and executed through procedures set forth in subsection 5 of this section shall be valid and effective even though the parent consenting was under eighteen years of age, if such parent was represented by a guardian ad litem, at the time of the execution thereof.

11. Where the person sought to be adopted is eighteen years of age or older, his written consent alone to his adoption shall be sufficient.

12. A birth parent, including a birth parent less than eighteen years of age, shall have the right to legal representation and payment of any reasonable legal fees incurred throughout the adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

(1) A birth parent requests representation;

(2) The court finds that hiring an attorney to represent such birth parent would cause a financial hardship for the birth parent; and

(3) The birth parent is not already represented by counsel.

13. Except in cases where the court determines that the adoptive parents are unable to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the costs of the attorney fees incurred pursuant to subsection 12 of this section to be paid by the prospective adoptive parents or the child-placing agency.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **HCS** for **HB 154**, as amended, be adopted, which motion prevailed.

Senator Shields moved that **SS** for **HCS** for **HB 154**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SS** for **HCS** for **HB 154**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

### **RESOLUTIONS**

Senator Engler offered Senate Resolution No. 913, regarding Michelle Lynn Cobb, which was adopted.

Senator Bartle offered Senate Resolution No. 914, regarding Dr. Larry E. Ewing, which was adopted.

Senator Bartle offered Senate Resolution No. 915, regarding Jeffrey White, which was adopted.

Senator Champion offered Senate Resolution No. 916, regarding Matthew Stephen “Matt” Reese, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 917, regarding Dr. Jason Anderson, Springfield, which was adopted.

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

### **SENATE BILLS FOR PERFECTION**

Senator Rupp moved that **SB 335** and **SB 16**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 335** and **16**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 335 and 16**

An Act to repeal section 303.024, RSMo, and to enact in lieu thereof two new sections relating to the motor vehicle financial responsibility law, with penalty provisions.

Was taken up.



Senator Rupp moved that **SCS** for **SBs 335** and **16** be adopted.

Senator Rupp offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bills Nos. 335 and 16, Pages 2-3, Section 303.390, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp moved that **SCS** for **SBs 335** and **16**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SBs 335** and **16**, as amended, was declared perfected and ordered printed.

**HOUSE BILLS ON THIRD READING**

**HB 259**, introduced by Representative Tilley, entitled:

An Act to repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to health care claims for reimbursement.

Was taken up by Senator Engler.

Senator Lembke offered **SS** for **HB 259**, entitled:

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 259**

An Act to repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to the payment of health insurance claims.

Senator Lembke moved that **SS** for **HB 259** be adopted.

Senator Shoemyer offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for House Bill No. 259, Page 6, Section 376.383, Line 18, by inserting after all of said line the following:

**“376.444. 1. As used in this section, the following terms shall mean:**

**(1) “Health carrier”, the same meaning as such term is defined in section 376.1350;**

**(2) “Provider”, the same meaning as such term is defined in section 376.1350 and licensed pharmacies and home health agencies.**

**2. An agreement between a health carrier and a participating provider under this chapter or chapter 354, RSMo, shall not contain a provision that requires the participating provider to disclose the participating provider's reimbursement rates under contracts with other health carriers.**

**3. Any contract provision that violates this section is void and unenforceable.”; and**

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Dempsey offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 259, Page 1, Section A, Line 3, by inserting immediately after said line the following:

**“191.1005. 1. For purposes of this section, “insurer” includes the state of Missouri for purposes of the rendering of health care services by providers under a medical assistance program of the state.**

**2. Programs of insurers that publicly assess and compare the quality and cost efficiency of health care providers shall conform to the following criteria:**

**(1) The insurers shall retain, at their own expense, the services of a nationally-recognized independent health care quality standard-setting organization to review the plan's programs for consumers that measure, report, and tier providers based on their performance. Such review shall include a comparison to national standards and a report detailing the measures and methodologies used by the health plan. The scope of the review shall encompass all elements described in this section and section 191.1008;**

**(2) The program measures shall provide performance information that reflects consumers' health needs. Programs shall clearly describe the extent to which they encompass particular areas of care, including primary care and other areas of specialty care;**

**(3) Performance reporting for consumers shall include both quality and cost efficiency information. While quality information may be reported in the absence of cost-efficiency, cost-efficiency information shall not be reported without accompanying quality information;**

**(4) When any individual measures or groups of measures are combined, the individual scores, proportionate weighting, and any other formula used to develop composite scores shall be disclosed. Such disclosure shall be done both when quality measures are combined and when quality and cost efficiency are combined;**

**(5) Consumers or consumer organizations shall be solicited to provide input on the program, including methods used to determine performance strata;**

**(6) A clearly defined process for receiving and resolving consumer complaints shall be a component of any program;**

**(7) Performance information presented to consumers shall include context, discussion of data limitations, and guidance on how to consider other factors in choosing a provider;**

**(8) Relevant providers and provider organizations shall be solicited to provide input on the program, including the methods used to determine performance strata;**

**(9) Providers shall be given reasonable prior notice before their individual performance information is publicly released;**

**(10) A clearly defined process for providers to request review of their own performance results and the opportunity to present information that supports what they believe to be inaccurate results, within a reasonable time frame, shall be a component of any program. Results determined to be inaccurate after the reconsideration process shall be corrected;**

**(11) Information about the comparative performance of providers shall be accessible and understandable to consumers and providers;**

**(12) Information about factors that might limit the usefulness of results shall be publicly disclosed;**

**(13) Measures used to assess provider performance and the methodology used to calculate scores or determine rankings shall be published and made readily available to the public. Some elements shall be assessed against national standards. Examples of measurement elements that shall be assessed against national standards include: risk and severity adjustment, minimum observations, and statistical standards utilized. Examples of other measurement elements that shall be fully disclosed include: data used, how providers' patients are identified, measure specifications and methodologies, known limitations of the data, and how episodes are defined;**

**(14) The rationale and methodologies supporting the unit of analysis reported shall be clearly articulated, including a group practice model versus the individual provider;**

**(15) Sponsors of provider measurement and reporting shall work collaboratively to aggregate data whenever feasible to enhance its consistency, accuracy, and use. Sponsors of provider measurement and reporting shall also work collaboratively to align and harmonize measures used to promote consistency and reduce the burden of collection. The nature and scope of such efforts shall be publicly reported;**

**(16) The program shall be regularly evaluated to assess its effectiveness and any unintended consequences;**

**(17) Measures shall be based on national standards. The primary source shall be measures endorsed by the National Quality Forum (NQF). When non-NQF measures are used because NQF measures do not exist or are unduly burdensome, it shall be with the understanding that they will be replaced by comparable NQF-endorsed measures when available;**

**(18) Where NQF-endorsed measures do not exist, the next level of measures to be considered, to the extent practical, shall be those endorsed by the Ambulatory Care Quality Alliance, national accrediting organizations such as the National Committee for Quality Assurance, or the Joint Commission on the Accreditation of Healthcare Organizations and federal agencies;**

**(19) Supplemental measures are permitted if they address areas of measurement for which national standards do not yet exist or for which existing national standard measure requirements are unreasonably burdensome on providers or program sponsors. Supplemental measures may be used if they are part of a pilot program to assess the extent to which the measures could fill national gaps in measurement. When supplemental measures are used they shall reasonably adhere to the NQF measure criteria, including importance, scientific acceptability, feasibility and usability, and may include sources such as provider specialty society guidelines. The director of the department of insurance, financial institutions and professional registration shall be authorized to adopt by administrative rule any updates or modifications to the most recent version of the Patient Charter for Physician Performance, Measurement, Reporting and Tiering Programs.**

**3. The use by insurers of programs to publicly assess and compare the quality and cost efficiency of health care providers under subsection 2 of this section shall not be a basis for a provider to decline to enter into a provider contract with an insurer. A provider shall not withhold or otherwise obstruct an insurer from using data collected from medical claims or other sources generated by the provider and in possession of the insurer for the purpose of providing plan enrollees, providers, or the public**

information on the quality and cost efficiency differences in treatments and providers as long as the data is not used in a manner that violates any provisions of the federal Health Insurance Portability and Accountability Act or antitrust law.

**191.1008. 1.** Any person who sells or otherwise distributes to the public health care quality and cost efficiency data for disclosure in comparative format to the public shall identify the measure source or evidence-based science behind the measure and the national consensus, multi-stakeholder, or other peer review process, if any, used to confirm the validity of the data and its analysis as an objective indicator of health care quality.

**2.** Articles or research studies on the topic of health care quality or cost efficiency that are published in peer-reviewed academic journals that do not receive funding from or is affiliated with a health care insurer or by state or local government shall be exempt from the requirements of subsection 1 of this section.

**3. (1)** Upon receipt of a complaint of an alleged violation of this section by a person or entity other than a health carrier, the department of health and senior services shall investigate the complaint and, upon finding that a violation has occurred, shall be authorized to impose a penalty in an amount not to exceed one thousand dollars. The department shall promulgate rules governing its processes for conducting such investigations and levying fines authorized by law.

**(2)** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

**191.1010.** All alleged violations of sections 191.1005 to 191.1008 by a health insurer shall be investigated and enforced by the department of insurance, financial institutions and professional registration under the department's powers and responsibilities to enforce the insurance laws of this state in accordance with chapter 374, RSMo.

**191.1200. 1.** The general assembly shall appropriate four hundred thousand dollars from the health care technology fund created in section 208.975, RSMo, to the department of social services for the purpose of awarding a grant to implement an Internet web-based primary care access pilot project designed as a collaboration between private and public sectors to connect, where appropriate, a patient with a primary care medical home, and schedule patients into available community-based appointments as an alternative to nonemergency use of the hospital emergency room. The grantee shall establish a program that diverts patients presenting at an emergency room for nonemergency care to more appropriate outpatient settings as is consistent with federal law and regulations. The program shall refer the patient to an appropriate health care professional based on the patient's health care needs and situation. The program shall provide the patient with a scheduled appointment that is timely, with an appropriate provider who is conveniently located. If the patient is uninsured and potentially eligible for MO HealthNet, the program shall connect the patient to a primary care provider, community clinic, or agency that can assist the patient with the application process. The program shall also ensure that discharged patients are connected with a community-based primary care provider and assist in scheduling any necessary follow-up visits before the patient is discharged.

**2. The program shall not require a provider to pay a fee for accepting charity care patients in a Missouri public health care program.**

**3. The grantee shall report to the director on a quarterly basis the following information:**

- (1) The total number of appointments available for scheduling by specialty;**
- (2) The average length of time between scheduling and actual appointment;**
- (3) The total number of patients referred and whether the patient was insured or uninsured; and**
- (4) The total number of appointments resulting in visits completed and number of patients continuing services with the referring clinic.**

**4. The director, in consultation with the Missouri Hospital Association, or a successor organization, shall conduct an evaluation of the emergency room diversion pilot project and submit the results to the general assembly by January 15, 2009. The evaluation shall compare the number of nonemergency visits and repeat visits to hospital emergency rooms for the period before the commencement of the project and one year after the commencement, and an estimate of the costs saved from any documented reductions.**

**191.1250. As used in sections 191.1250 to 191.1277, the following terms shall mean:**

**(1) “Chronic condition”, any regularly recurring, potentially life-threatening medical condition that requires regular supervision by a primary care physician and/or medical specialist;**

**(2) “Department”, the department of health and senior services;**

**(3) “EMR” or “electronic medical record”, refers to a patient's medical history that is stored in real-time using information technology and which can be amended, updated, or supplemented by the patient or the physician using the electronic medical record;**

**(4) “HIPAA”, the federal Health Insurance Portability and Accountability Act of 1996;**

**(5) “Originating site”, a place where a patient may receive health care via telehealth. An originating site may include:**

**(a) A licensed inpatient center;**

**(b) An ambulatory surgical center;**

**(c) Any practice location, office, or clinic of a licensed health care professional;**

**(d) A skilled nursing facility;**

**(e) A residential treatment facility;**

**(f) A home health agency;**

**(g) A diagnostic laboratory or imaging center;**

**(h) An assisted living facility;**

**(i) A school-based health program;**

**(j) A mobile clinic;**

**(k) A mental health clinic;**

**(l) A rehabilitation or other therapeutic health setting;**

**(m) The patient's residence;**

**(n) The patient's place of employment; or**

**(o) The patient's then-current location if the patient is away from the patient's residence or place of employment;**

**(6) “Telehealth”, the use of telephonic and other electronic means of communications to provide and support health care delivery, diagnosis, consultation, and treatment when distance separates the patient and the health care provider;**

**(7) “Telehealth practitioner”, a person who is a licensed health care professional and who utilizes telehealth to diagnose, consult with, or treat patients without having conducted an in-person consultation with a particular patient.**

**191.1256. Sections 191.1250 to 191.1277 do not:**

**(1) Alter the scope of practice of any health care practitioner; or**

**(2) Limit a patient's right to choose in-person contact with a health care professional for the delivery of health care services for which telehealth is available.**

**191.1259. The delivery of health care via telehealth is recognized and encouraged as a safe, practical and necessary practice in this state. No health care provider or operator of an originating site shall be disciplined for or discouraged from participating in sections 191.1250 to 191.1277. In using telehealth procedures, health care providers and operators of originating sites shall comply with all applicable federal and state guidelines and shall follow established federal and state rules regarding security, confidentiality and privacy protections for health care information.**

**191.1265. Only telehealth practitioners qualified under sections 191.1250 to 191.1277 may practice telehealth care in this state. Telehealth practitioners may reside outside this state but shall be licensed by an appropriate board within the division of professional registration. Beginning July 1, 2010, all health carriers, as defined under section 376.1350, RSMo, shall reimburse services provided through telehealth in the same manner they would reimburse a standard office visit or consultation by the provider or specialist. The department of social services shall promulgate rules for the MO HealthNet program consistent with the provisions of this section.**

**191.1271. By January 1, 2010, the department shall promulgate quality control rules and regulations to be used in removing and improving the services of telehealth practitioners. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted.

Senator Cunningham raised the point of order that **SA 2** is out of order as it goes beyond the scope of the subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Stouffer offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 259, Page 4, Section 376.383, Line 10, by striking the word “day” and inserting in lieu thereof the following: **“month”**.

Senator Stouffer moved that the above amendment be adopted, which motion failed.

Senator Goodman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 259, Page 1, In the Title, Lines 3-4, by striking all of said lines, and inserting in lieu thereof the following: “thereof one new section relating to health insurance.”; and further amend said bill, page 6, section 376.383, line 18 by inserting after said line the following:

**“Section 1. 1. The provisions of chapter 376, RSMo, relating to health insurance, health maintenance organizations, health benefit plans, group health services, and health carriers shall not apply to a plan that provides health care services to low income individuals on a prepaid basis and that meets the following conditions:**

**(1) Eligibility in the plan is limited to persons who earn less than two hundred percent of the federal poverty level and are not covered under any other group insurance arrangement;**

**(2) The plan is operated on a nonprofit basis under the sponsorship of a nonprofit organization that is qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended;**

**(3) Covered primary care services are provided to enrollees either by providers on staff of the sponsoring organization or by volunteers recruited from a local medical society who have, in both instances, agreed to provide their services for free or for nominal reimbursement for out-of-pocket expenses or expendable supplies directly related to, and incurred as a result of, the service provided to the enrollee;**

**(4) Payments to outside contractors for marketing, claims administration and similar services total no more than ten percent of the total charges;**

**(5) The plan has received the approval and endorsement of the local medical society in consultation with the Missouri State Medical Association; and**

**(6) The sponsoring nonprofit organization files an annual report with the secretary of state within ninety days of the close of the organization's fiscal year that includes, at a minimum, the following information:**

**(a) The number of plan enrollees;**

**(b) Total services rendered under the plan;**

**(c) Plan financial statements;**

**(d) Administrative costs and salaries paid by the plan; and**

**(e) Other information that may be reasonably requested by the secretary of state.**

**2. A plan that meets the requirements of this section shall not be considered to be engaging in the business of insurance for purposes of chapter 376, RSMo, or any provision of Title XXIV, RSMo, and**

shall not be subject to the jurisdiction of the director of the department of insurance, financial institutions and professional registration.

**Section 2. 1. Any volunteer physician, dentist, optometrist, pharmacist, registered professional nurse, licensed practical nurse, psychiatrist, psychologist, professional counselors, or clinical social workers licensed to practice in this state under the provisions of chapter 332, 334, 335, 336, 337, or 338, RSMo, or any volunteer retired physician, dentist, optometrist, pharmacist, registered professional nurse, licensed practical nurse, psychiatrist, psychologist, professional counselor, or clinical social worker who provides medical or mental health treatment to a patient at a nonprofit faith-based community health center that provides health care services for a nominal fee and is qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall not be liable for any civil damages for acts or omissions unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by such health care provider under this section in rendering such treatment.**

**2. For purposes of this section, a “volunteer” is an individual rendering medical or mental health treatment who is not compensated for his or her services on a salary or prorated equivalent basis.**

**3. In order for a retired physician, dentist, optometrist, pharmacist, registered professional nurse, licensed practical nurse, psychiatrist, psychologist, professional counselor, or clinical social worker to receive the immunity from liability under this section, such health care provider shall have been in good standing with their respective governing professional board at the time of his or her retirement.”; and**

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted.

Senator Cunningham raised the point of order that **SA 4** is out of order as it goes beyond the scope of the subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Wilson offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 259, Page 3, Section 376.383, Line 16, by inserting after the word “pay” the following: “**or deny**”.

Senator Wilson moved that the above amendment be adopted, which motion prevailed.

Senator Lembke moved that **SS** for **HB 259**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **HB 259**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Pearce	Purgason	Ridgeway	Rupp	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Wilson	Wright-Jones—29			

#### NAYS—Senators—None

#### Absent—Senators

Bray	Clemens—2
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Absent with leave—Senators

Nodler                Schaefer            Vogel—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 335** and **16**; **SCS** for **SB 197**; and **SB 458**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### COMMUNICATIONS

Senator Bartle submitted the following:

April 21, 2009

Terry Spieler  
Room 325, State Capitol  
Jefferson City, MO 65101

Dear Ms. Spieler,

In accordance with Senate Rule 45 I hereby object to HB 914 remaining on the Senate Consent Calendar.

Sincerely,  
/s/ Matt Bartle  
Matt Bartle

Also,

Senator Bray submitted the following:

April 21, 2009

Ms. Terry Spieler  
Secretary of Senate  
State Capitol Building  
Room 325  
Jefferson City, Missouri 65101  
Dear Madame Secretary:

I respectfully request that House Bill 709 be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45, and that it be returned to the Senate Financial, Governmental Organizations, and Elections Committee from which it was reported for action

in accordance with the rules of the Senate.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 20, 2009  
Terry Spieler  
Office of Secretary of Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Terry:

In accordance with Rule 45, I am writing to object to the placement of HB 253, regarding motorcycle headlamps, on the Consent Calendar.  
Thank you for your attention to this matter.

Very Best Regards,  
/s/ Jolie Justus  
Jolie L. Justus

### **INTRODUCTIONS OF GUESTS**

Senator Shoemyer introduced to the Senate, elected officials and constituents from the 18<sup>th</sup> Senatorial District.

Senator Days introduced to the Senate, Eli Brooks Williams, Jefferson City; and Eli was made an honorary page.

Senator Scott introduced to the Senate, members of the Missouri Treasurers Association.

Senator Bray introduced to the Senate, Dr. Dayna Early, Olivette.

Senator Shields introduced to the Senate, Samantha Warren, Platte City; and students from the University of Missouri campuses in Columbia, Kansas City, St. Louis and Rolla.

Senator Shields introduced to the Senate, Cathy Shanks, Pat Casey, Sarah Randall, Arlene Sollars, Mandy Rowlett, Christina McCabe and seventh grade students from Truman Middle School, St. Joseph; and Guadalupe Reyes and Alex Lutz were made honorary pages.

Senator Champion introduced to the Senate, fourth grade students from Delaware Elementary School, Springfield.

Senator Crowell introduced to the Senate, Girl Scouts from Sikeston.

Senator Champion introduced to the Senate, fourth grade students from Horace Mann, Springfield.

Senator Schmitt introduced to the Senate, former State Representative Tony Dill and scouts, Keith McCormack, Andrew Duesenberg, Joseph Slama, Joel Wilper, Wil Sharpe and Ryan Adams, members of Boy Scout Troop 165, Seven Holy Founders Parish, Affton.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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 FIFTY-SEVENTH DAY—WEDNESDAY, APRIL 22, 2009
 

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## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCS for HB 668  
HCS for HB 361

HCS for HB 217  
HB 170-Cox, et al

## THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp  
(In Fiscal Oversight)  
SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)  
SCS for SB 549-Schmitt  
(In Fiscal Oversight)

SS#2 for SCS for SB 363-Griesheimer  
(In Fiscal Oversight)  
SCS for SBs 335 & 16-Rupp  
SCS for SB 197-Goodman  
SB 458-Lager

## HOUSE BILLS ON THIRD READING

HB 644-Wilson (130) (Griesheimer)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce and Smith, with SCS &  
SS#3 for SCS (pending)  
SB 57-Stouffer, with SCS & SA 1 (pending)  
SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for SCS  
(pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)

SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)  
SB 228-Scott, with SCS, SS for SCS, SA 12,  
SSA 1 for SA 12 & SA 1 to SSA 1 for SA 12  
(pending)  
SB 236-Lembke  
SB 254-Barnitz, with SS (pending)  
SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS & SS#3 for SCS (pending)  
SB 264-Mayer  
SB 267-Mayer and Green, with SA 1 (pending)  
SB 284-Lembke, et al, with SA 1 (pending)

SB 299-Griesheimer, with SCS & SS for SCS  
(pending)  
SB 321-Days, et al, with SCS (pending)  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)

SB 527-Nodler and Bray  
SB 555-Lager, with SCS, SS for SCS & SA 2  
(pending)  
SB 572-Dempsey and Justus  
SJR 12-Scott, with SCS (pending)

#### HOUSE BILLS ON THIRD READING

HB 103-Wildberger, et al, with SCS &  
SS for SCS (pending) (Callahan)  
SS for HCS for HB 154 (Shields)  
(In Fiscal Oversight)  
HCS for HB 191, with SCS & SS for SCS  
(pending) (Griesheimer)

HB 287-Day, et al, with SS (pending)  
(Mayer)  
HB 376-Hobbs, et al, with SCS (Griesheimer)

#### CONSENT CALENDAR

##### House Bills

##### Reported 4/9

HCS for HB 251 (Clemens)  
HB 210-Deeken (Crowell)  
HCS for HB 397 & HCS for HB 947,  
with SCS (Ridgeway)

HB 400-Nasheed, et al (Smith)  
HB 593-Viebrock (Crowell)  
HB 678-Wasson (Goodman)  
HB 537-Dixon, et al (Wright-Jones)

##### Reported 4/14

HB 83-Wood, with SCS (Goodman)  
HCS for HB 124 (McKenna)  
HB 171-Cox, et al, with SCS (Stouffer)  
HB 282-Stevenson, et al (Nodler)  
HB 652-Pratt (Bartle)

HB 698-Zimmerman, et al (Schmitt)  
HCS for HB 895 (Stouffer)  
HB 918-Kelly (Schaefer)  
HB 919-Ruestman, et al (Goodman)

##### Reported 4/15

HCS for HB 272, with SCS (Days)  
HCS for HB 525 (Schmitt)  
HCS for HB 231 (Rupp)

HCS for HB 237, HB 238 & HB 482,  
with SCS (Bartle)  
HB 826-Brown (149), et al (Lembke)

HB 866-Wells, et al, with SCS (Lembke)  
 HCS for HB 685 (Goodman)  
 HB 867-Guest, with SCS (Lager)  
 HCS for HBs 836 & 753, with SCS (Justus)  
 HB 811-Wasson (Scott)  
 HCS for HB 273 (Scott)  
 HCS for HB 485 (Mayer)  
 HB 859-Dieckhaus, et al (Griesheimer)  
 HCS for HB 667, with SCS (Goodman)  
 HB 283-Wood, with SCS (Goodman)

HCS for HBs 234 & 493 (Shoemyer)  
 HCS for HB 148, with SCS#2 (Griesheimer)  
 HB 326-Sutherland, with SCS (Griesheimer)  
 HCS for HB 236, with SCS (Crowell)  
 HB 289-Wallace (Mayer)  
 HB 373-Wallace, with SCS (Mayer)  
 HB 490-Schad, et al (Pearce)  
 HB 506-Funderburk, et al, with SCS (Rupp)  
 HB 682-Swinger, et al (Mayer)  
 HB 922-Smith (14), et al, with SCS (Rupp)

### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

#### In Conference

HCS for HB 2, with SS for SCS (Nodler)  
 HCS for HB 3, with SS for SCS (Nodler)  
 HCS for HB 4, with SCS (Nodler)  
 HCS for HB 5, with SCS (Nodler)  
 HCS for HB 6, with SCS (Nodler)  
 HCS for HB 7, with SCS (Nodler)

HCS for HB 8, with SCS (Nodler)  
 HCS for HB 9, with SCS (Nodler)  
 HCS for HB 10, with SCS (Nodler)  
 HCS for HB 11, with SCS (Nodler)  
 HCS for HB 12, with SCS (Nodler)  
 HB 13-Icet, with SCS (Nodler)

### RESOLUTIONS

#### Reported from Committee

SR 141-Engler, with point of order (pending)  
 SCR 7-Pearce  
 SR 207-Lembke and Smith, with SCS &  
     SS for SCS (pending)  
 SCR 11-Bartle, et al

SCR 14-Schmitt  
 SCR 21-Clemens  
 SCR 10-Rupp  
 SCR 18-Bartle and Rupp  
 SCR 23-Schmitt

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# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTY-SEVENTH DAY—WEDNESDAY, APRIL 22, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Therefore, since it is by God’s mercy that we are engaged in this ministry, we do not lose heart.” (2 Corinthians 4:1)

Strengthening Lord, we know that at times we get impatient and frustrated when things are not going the way we would want them to; but You have called us to serve here and we seek to do what You require of us. Help us find common ground and to do what is truly helpful for the people we serve and show compassion and patience for each other. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**HOUSE BILLS ON THIRD READING**

Senator Ridgeway moved that **HCS** for **HB 397** and **HCS** for **HB 947**, with **SCS**, be called from the Consent Calendar and taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HCS** for **HB 397** and **HCS** for **HB 947** was again taken up.

Senator Ridgeway moved that **SCS** for **HCS** for **HB 397** and **HCS** for **HB 947** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **HCS** for **HB 397** and **HCS** for **HB 947** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

## NAYS—Senators—None

## Absent—Senators

Clemens            Green—2

## Absent with leave—Senators—None

## Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 376**, with **SCS**, introduced by Representative Hobbs, et al, entitled:

An Act to repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to competitive bid requirements.

Was called from the Informal Calendar and taken up by Senator Griesheimer.

**SCS** for **HB 376**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 376**

An Act to repeal sections 48.030, 49.310, 50.660, 50.783, 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 59.319, 65.610, 67.280, 67.402, 67.410, 67.1360, 67.1361, 67.2000, 79.450, 94.400, 94.902, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.150, 140.160, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 141.160, 165.071, 204.569, 231.444, 247.031, 320.121, 650.396, and 650.399, RSMo, and to enact in lieu thereof sixty-three new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain

section.

Was taken up.

Senator Griesheimer moved that **SCS** for **HB 376** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HB 376**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 376

An Act to repeal sections 48.030, 49.310, 50.660, 50.783, 52.290, 52.312, 52.361, 52.370, 54.010, 55.030, 55.140, 55.190, 59.319, 65.610, 67.110, 67.280, 67.402, 67.410, 67.1000, 67.1360, 67.1361, 67.2000, 71.285, 94.400, 94.902, 137.073, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.150, 140.160, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 141.160, 165.071, 204.569, 221.105, 231.444, 247.031, 650.396, and 650.399, RSMo, and to enact in lieu thereof seventy-one new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain sections.

Senator Griesheimer moved that **SS** for **SCS** for **HB 376** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 73, Section 94.1011, Line 1 of said page, by inserting immediately after said line the following:

“105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) “Governing body”, the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) “Political subdivision”, any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the



notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

**8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275, RSMo. Any transportation development district that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine not to exceed five hundred dollars per day.”; and**

Further amend said bill, Page 132, Section 233.104, Line 7 of said page, by inserting immediately after said line the following:

“238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The estimated project costs and the anticipated revenues to be collected from the project;

(6) The name of the proposed district;

(7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; [and]

(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable; **and**

**(12) Details of the budgeted expenditures, including estimated expenditures for real physical improvements, estimated land acquisition expenses, estimated expenses for professional services and estimated interest charges.**

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district; or, if not less than fifty registered voters from each of two or more counties sign a petition calling for the joint establishment of a district for the purpose of developing a project that lies in whole or in part within those same counties, the petition may be filed in the circuit court of any of those counties in which not less than fifty registered voters have signed the petition.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty registered voters in

each of two or more counties, it shall set forth the name, voting residence, and county of residence of each individual petitioner;

(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(I) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

238.212. 1. If the petition was filed by registered voters or by a governing body, the circuit clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

NOTICE OF PETITION TO SUBMIT TO A  
POPULAR VOTE THE CREATION AND  
FUNDING OF A TRANSPORTATION  
DEVELOPMENT DISTRICT

Notice is hereby given to all persons residing or owning property in (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that upon voter approval, a transportation development district by the name of "..... Transportation Development District" be formed for the purpose of developing the following transportation project: (here summarize the proposed transportation project or projects). The petition also requests voter approval of the following method(s) of funding the district, which (may) (shall not) increase the total taxes imposed within the proposed district: (describe the proposed funding methods). A copy of this petition is on file and available at the office of the clerk of the circuit court of ..... County, located at ....., Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the

transportation development district and requesting a declaratory judgment, as required by law, no later than the ..... day of ....., 20.. . You may show cause, if any there be, why such petition is defective or proposed transportation development district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be submitted for voter approval at a general, primary or special election as directed by this court.

.....Clerk of the  
Circuit Court of ..... County

2. The circuit court may also order a public hearing on the question of the creation and funding of the proposed district, if it deems such appropriate, under such terms and conditions as it deems appropriate. **The circuit court shall order at least one public hearing on the creation and funding of the proposed district, if the petition for creating such district was filed by the owners of record of all real property within the proposed district.** If a public hearing is ordered, notice of the time, date and place of the hearing shall also be given in the notice specified in subsection 1 of this section.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of ..... (transportation development district's name) impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation

development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the month following adoption of the tax by the qualified voters.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. On and after the effective date of any tax imposed pursuant to this section, the [transportation development district] **director of revenue** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, **and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section.** The tax

imposed pursuant to this section **and the taxes imposed pursuant to all other laws of the state of Missouri** shall be collected **together** and reported upon such forms and [under] **pursuant to** such administrative rules and regulations as may be prescribed by the [transportation development district] **director of revenue**.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. All sales taxes [collected] **received** by the transportation development district shall be deposited by the [transportation development district] **director of revenue** in a special fund to be expended for the purposes authorized in this section. The [transportation development district] **director of revenue** shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

6. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation

development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 2:**

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 92, Section 137.1040, Line 27, by inserting after all of said line the following:

“138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

**(1) The assignment shall be deemed made when the scheduling order is first issued by the commission and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order.**

**(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written application by a party to disqualify the hearing officer assigned. The application shall be filed within thirty days from the assignment of any appeal to a hearing officer and need not allege or prove any cause for such change and need not be verified. No more than one change of hearing officer shall be allowed for each party in any appeal.**

**3.** The commission may, in its discretion, reserve such appeals as it deems fit to be heard and decided by the full commission, a quorum thereof, or any commissioner, subject to the provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial review in the manner provided in subsection 4 of section 138.470.

[3.] **4.** The manner in which appeals shall be presented and the conduct of hearings shall be made in accordance with rules prescribed by the commission for determining the rights of the parties; provided that, the commission, with the consent of all the parties, may refer an appeal to mediation. The commission shall promulgate regulations for mediation pursuant to this section. No regulation or portion of a regulation

promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. There shall be no presumption that the assessor's valuation is correct. A full and complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

[4.] **5.** Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying, or reversing the determination of the board of equalization, and correcting any assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision being rendered, transfer to another hearing officer the proceedings on an appeal determination before a hearing officer. The complainant, respondent-assessor, or other party shall be duly notified of a hearing officer's decision and order, together with findings of fact and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

[5.] **6.** All decisions issued pursuant to this section or section 138.432 by the commission or any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing on the matter to be decided is held or the date on which the last party involved in such matter files his or her brief, whichever event later occurs.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Pearce offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 65, Section 94.400, Line 21 of said page, by inserting after all of said line the following:

“94.900. 1. The governing body of any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, or any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants, **or any city of the fourth classification with more than two thousand six hundred but fewer than two thousand seven hundred inhabitants and located in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants** is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:



Shall the city of ..... (city's name) impose a citywide sales tax of ..... (insert amount) for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and

the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.”; and

Further amend the title and enacting clause accordingly.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

Senator Engler assumed the Chair.

Senator Schaefer offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 17, Section 59.319, Line 17 of said page, by inserting immediately after said line the following:

“64.170. 1. For the purpose of promoting the public safety, health and general welfare, to protect life and property and to prevent the construction of fire hazardous buildings, the county commission in all counties of the first and second classification, as provided by law, is for this purpose empowered, subject to the provisions of subsections 2 and 3 of this section, to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure and any electrical wiring or electrical installation, plumbing or drain laying therein, and provide for the issuance of building permits and adopt regulations licensing persons, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business of electrical wiring or installations and provide for the inspection thereof and establish a schedule of permit, license and inspection fees and appoint a building commission to prepare the regulations, as herein provided.

2. Any county which has not adopted a building code prior to August 28, 2001, pursuant to sections 64.170 to 64.200, shall not have the authority to adopt a building code pursuant to such sections unless the authority is approved by voters, subject to the provisions of subsection 3 of this section. The ballot of submission for authority pursuant to this subsection shall be in substantially the following form:

“Shall ..... (insert name of county) have authority to create, adopt and impose a county building code?”

☐ YES

☐ NO

3. The proposal of the authority to adopt a building code shall be voted on only by voters in the area affected by the proposed code, such that a code affecting a county shall not be voted upon by citizens of any incorporated territory.

**4. For the purpose of promoting the public safety, health and general welfare, to protect life and property, and to prevent the occupancy of fire hazardous buildings, the county commission of any county of the first classification with more than one hundred thirty-five thousand four hundred but**

**fewer than one hundred thirty-five thousand five hundred inhabitants, as provided by law, is for this purpose empowered to adopt, by order or ordinance, regulations to control the minimum standards for occupancy of any residential unit intended for rent or lease, and to develop a program for licensing and inspecting the units for which the county may recover costs to administer such a program by establishing reasonable fees.”; and**

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 15, Section 55.190, Line 5 of said page, by inserting immediately after said line the following:

“56.700. 1. The prosecuting attorney in each county of the second, third or fourth class which contains a mental health facility able to serve at least eighty persons on an overnight, inpatient basis at any one time, and which is operated by the state department of mental health, division of psychiatric services, may employ an assistant prosecuting attorney to assist in carrying out the duties of the office of prosecuting attorney relating to mental health and mental health facilities. The assistant prosecuting attorney authorized by this subsection shall be in addition to any other assistant prosecuting attorney authorized by law. The assistant prosecuting attorney employed under this subsection shall receive an annual compensation of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose.

2. The county counselor or circuit attorney in each county of the first class with a charter form of government containing part of a city with a population of over four hundred fifty thousand and in each city not within a county may employ an assistant county counselor or circuit attorney to assist in carrying out the duties of the office of the county counselor or circuit attorney relating to mental health and mental health facilities. The assistant authorized by this subsection shall be in addition to any other assistants authorized by law. The assistant county counselor or circuit attorney employed under this subsection shall receive an annual compensation of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose.

3. The prosecuting attorney in each county of the second, third or fourth class which contains a mental health facility able to serve at least eighty persons on an overnight, inpatient basis at any one time, and which is operated by the state department of mental health, division of psychiatric services, may employ additional investigative and clerical personnel to assist in carrying out the duties of the office of prosecuting attorney relating to mental health and mental health facilities. The investigative and clerical personnel authorized by this subsection shall be in addition to any other personnel authorized by law. The compensation for such additional investigative and clerical personnel, not to exceed a total of fifteen thousand dollars annually for each eligible county, shall be paid out of the state treasury from funds appropriated for that purpose.

4. The county counselor or circuit attorney in each county of the first class with a charter form of government containing part of a city with a population of over four hundred fifty thousand and in each city not within a county may employ additional investigative and clerical personnel to assist in carrying out the duties of the office of the county counselor or circuit attorney relating to mental health and mental health facilities. The investigative and clerical personnel authorized by this subsection shall be in addition to any

other personnel authorized by law. The compensation for such additional investigative and clerical personnel, not to exceed a total of fifteen thousand dollars annually for each eligible county or city not within a county, shall be paid out of the state treasury from funds appropriated for that purpose.

**5. In each county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants, the county counselor shall receive the sum of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose for the duties relating to mental health and mental health facilities and, in addition, shall receive an additional sum not to exceed a total of fifteen thousand dollars annually from funds appropriated for that purpose for investigative and clerical personnel to assist in carrying out the duties of the office of the county counselor relating to mental health and mental health facilities. Such sums shall be in the form of a reimbursement to county general revenue funds.”; and**

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 6:**

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 4, Section 49.310, Line 28 of said page, by inserting after all of said line the following:

**“49.705. In any county of the third classification without a township form of government and with more than nine thousand six hundred fifty but fewer than nine thousand seven hundred fifty inhabitants, any person or entity, holding an outdoor concert, shall be required to receive approval from the county commission prior to holding such outdoor concert. Any person or entity that violates this section by holding an outdoor concert without prior approval from the county commission shall be assessed a civil fine of up to five thousand dollars. Such violation shall be prosecuted by the prosecuting attorney in the circuit court of the county where the violation occurred.”; and**

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 7:**

**SENATE AMENDMENT NO. 7**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 2, Section A, Line 8, by inserting immediately after said line the following:

**“48.020. 1. All counties of this state are hereby classified, for the purpose of establishing organization and powers in accordance with the provisions of section 8, article VI, Constitution of Missouri, into four classifications determined as follows:**

**Classification 1. All counties having an assessed valuation of [six] seven hundred fifty million dollars and over shall automatically be in the first classification after that county has maintained such valuation for the time period required by section 48.030; however, any county of the second classification which, on August 13, 1988, has had an assessed valuation of at least four hundred million dollars for at least one year may, by resolution of the governing body of the county, elect to be classified as a county of the first**

classification after it has maintained such valuation for the period of time required by the provisions of section 48.030.

Classification 2. All counties having an assessed valuation of [four] **six** hundred [fifty] million dollars and less than the assessed valuation necessary for that county to be in the first classification shall automatically be in the second classification after that county has maintained such valuation for the time period required by section 48.030.

Classification 3. All counties having an assessed valuation of less than the assessed valuation necessary for that county to be in the second classification shall automatically be in the third classification.

Classification 4. All counties which have attained the second classification prior to August 13, 1988, and which would otherwise return to the third classification after August 13, 1988, because of changes in assessed valuation shall remain a county in the second classification and shall operate under the laws of this state applying to the second classification.

**2. The required assessed valuation for each classification under subsection 1 of this section shall be increased by an amount equal to any percentage increase in the consumer price index.”; and**

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 16, Section 59.319, Lines 24-28, by striking all of said lines and inserting in lieu thereof the following:

**“instrument. Two dollars of the additional fee collected under this subsection shall be credited to the Missouri housing trust fund and one dollar shall be deposited in the state general revenue fund and credited to the account used by the secretary of state for additional preservation of local records.”; and**

Further amend said section, page 17, lines 1-6 by striking all of said lines; and further amend said page, lines 7-9 by striking said lines and inserting in lieu thereof the following:

**“(2) The one dollar of the additional three dollars authorized under this subsection which shall be deposited in the state general revenue fund and credited to the account used by the secretary of state for additional preservation of local records shall automatically sunset three years after the effective date of this subsection.”.**

Senator Justus moved that the above amendment be adopted.

Senator Crowell offered **SA 1** to **SA 8**, which was read:

#### SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 1, Section 59.319, Line 16, by striking the words “three years” and inserting in lieu thereof the following:

**“one year”.**

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

SA 8, as amended, was again taken up.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 62, Section 71.285, Line 4, by inserting after all of said line the following:

“77.110. The council shall publish a full and detailed statement of the receipts and expenditures and indebtedness of the city at the end of each fiscal year and six months after the end of each fiscal year in a newspaper of general circulation in the city. Each such statement shall be for the six-month period preceding the date of the statement. **This publication requirement may also be met by posting a prominent link to the statement on the front page of the city web site and posting the statement for a period of at least six months on the web site. In addition, the city shall display a printed notice at city hall where other public notices are displayed informing citizens of the web site address where the financial statements are posted. If no web site is available, the city may also meet the requirements of this section by sending the financial statement in writing or by email to residents in the city.**”; and

Further amend said bill, Page 62, Section 77.300, Line 13 of said page, by inserting after all of said line the following:

“79.160. The board of aldermen shall semiannually each year, at times to be set by the board of aldermen, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the city for the half year ending with the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the city. **This publication requirement may also be met by posting a prominent link to the statement on the front page of the city web site and posting the statement for a period of at least six months on the web site. In addition, the city shall display a printed notice at city hall where other public notices are displayed informing citizens of the web site address where the financial statements are posted. If no web site is available, the city may also meet the requirements of this section by sending the financial statement in writing or by email to residents in the city.**

80.120. The chairman of the board shall cause to be printed and published the bylaws and ordinances of the board, for the information of the inhabitants, and cause the same to be carried into effect. He shall remain in office for the term for which he is appointed or elected as a trustee; but in case of his absence at any meeting of the board, the board may appoint a chairman pro tempore, and in case he shall die, resign, be removed from office or remove from the town, the board of trustees shall appoint one of their number chairman, who shall hold the office for the unexpired term. **This publication requirement may also be met by posting a prominent link to the statement on the front page of the village web site and posting the statement for a period of at least six months on the web site. In addition, the village shall display a printed notice at city hall where other public notices are displayed informing citizens of the web site address where the financial statements are posted. If no web site is available, the village may also meet the requirements of this section by sending the financial statement in writing or by email to residents in the village.**”; and

Further amend said bill, Page 73, Section 94.1011, Line 1 of said page, by inserting after all of said line the following:

“115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy submitted pursuant to section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified pursuant to chapter 493, RSMo, which are published within the bounds of the area holding the election. If there is only one so qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order.

4. In lieu of causing legal notice to be published in accordance with any of the provisions of this chapter, the election authority in jurisdictions which have less than seven hundred fifty registered voters and in which no newspaper qualified pursuant to chapter 493, RSMo, is published, may cause legal notice to be mailed during the second week prior to the election, by first class mail, to each registered voter at the voter's voting address. All such legal notices shall include the date and time of the election, the location of the polling place, the name of the officer or agency calling the election and a sample ballot.

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the sixteenth Tuesday prior to the election, except that for any home rule city with more than four hundred thousand inhabitants and located in more than one county and any political subdivision or special district located in such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration of candidacy for any office in a political subdivision or special district is not

required by law or charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The political subdivision or special district calling an election shall, before the sixteenth Tuesday, or the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants and located in more than one county or any political subdivision or special district located in such city, prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district **or by publishing such notification on the web site of the political subdivision or special district, if one exists, and printing the information in the newsletter sent to the residents of the political subdivision or special district, if one exists.**

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office may, at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court of the area of such candidate's residence.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 136, Section 311.489, Line 20 of said page, by striking the following the following: “approval by the city” and inserting in lieu thereof the following: “**obtaining the approvals as described in this section**”; and further amend line 25 of said page, by inserting after “located in” the following: “**a community improvement district in**”; and

Further amend said bill and section, Page 137, Line 7 of said page, by inserting after “proposed” the following: “**festival**”; and further amend line 10 of said page, by striking the following: “containing basic information”; and further amend line 21 of said page, by inserting after “festivals” the following: “**which shall be provided at the sole expense of the promotional association**”; and further amend line 28 of said page, by inserting after “shall” the following: “**notify all property owners in the proposed district and within five hundred feet of such district’s boundaries. The city shall hold a**”; and

Further amend said bill and section, Page 138, Line 1 of said page, by inserting after “hearing” the following: “**at least thirty days after providing such notice**”; and further amend line 2 of said page, by striking the following: “If the plan is approved,” and inserting in lieu thereof the following: “**The city shall not approve any plan unless the promotional association has obtained written approval from at least fifty percent of the property owners within the district and within one hundred eighty-five feet of its borders. If the written approvals required under this section are obtained and the city approves the plan,**”; and further amend line 5 of said page, by inserting after “1:00 a.m.” the following: “**In addition, for no more than ten twenty-four hour periods in a year,**”; and further amend line 24 of said page, by inserting after “event” the following: “**that serves liquor**”.



Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Engler assumed the Chair.

At the request of Senator Griesheimer, **HB 376**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 620** and **671**, entitled:

An Act to repeal sections 313.010, 313.015, 313.040, 313.045, 313.050, 313.055, and 313.057, RSMo, and to enact in lieu thereof six new sections relating to bingo, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Engler, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Lager.

### **RESOLUTIONS**

Senator Goodman offered Senate Resolution No. 918, regarding Adam Ray Henson, which was adopted.

Senator Pearce offered Senate Resolution No. 919, regarding Darrell D. Witt, Warrensburg, which was adopted.

Senator Bartle offered Senate Resolution No. 920, regarding Brian Campbell, which was adopted.

Senator Bartle offered Senate Resolution No. 921, regarding Aaron Bailey, which was adopted.

Senator Bartle offered Senate Resolution No. 922, regarding Stacy James, which was adopted.

Senator Bartle offered Senate Resolution No. 923, regarding Lisa Cohen, which was adopted.

Senator Bartle offered Senate Resolution No. 924, regarding Barbara Noble, which was adopted.

Senator Bartle offered Senate Resolution No. 925, regarding Susan Diekman, which was adopted.

Senator Bartle offered Senate Resolution No. 926, regarding Susanne Mitko, which was adopted.

Senator Bartle offered Senate Resolution No. 927, regarding Tricia Lillygren, which was adopted.

Senator Bartle offered Senate Resolution No. 928, regarding Nancy Kremeier, which was adopted.

Senator Bartle offered Senate Resolution No. 929, regarding Karen Gallick, which was adopted.

Senator Bartle offered Senate Resolution No. 930, regarding Susan Faulkenberry, which was adopted.

Senator Bartle offered Senate Resolution No. 931, regarding Brenda Dumler, which was adopted.

Senator Vogel offered Senate Resolution No. 932, regarding Connie Murray, Jefferson City, which was

adopted.

Senator Vogel offered Senate Resolution No. 933, regarding Tony Powell, Nathan Rutherford and the Pennies for Patients project, Fulton Academy, which was adopted.

Senator Vogel offered Senate Resolution No. 934, regarding students from the Jefferson City Academic Center and the Pillowcase Project, which was adopted.

### HOUSE BILLS ON THIRD READING

**HB 171**, with **SCS**, introduced by Representative Cox, et al, entitled:

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to payment of rent when a leased residence is destroyed.

Was called from the Consent Calendar and taken up by Senator Stouffer.

**SCS** for **HB 171**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 171

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to payment of rent when a leased residence is destroyed.

Was taken up.

Senator Stouffer moved that **SCS** for **HB 171** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **HB 171** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

#### NAYS—Senators—None

#### Absent—Senators

Bray                      Scott—2

#### Absent with leave—Senators—None

#### Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 272**, with **SCS**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Alzheimer's state plan task force.

Was called from the Consent Calendar and taken up by Senator Days.

**SCS for HCS for HB 272**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 272

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Alzheimer's state plan task force, with an expiration date.

Was taken up.

Senator Days moved that **SCS for HCS for HB 272** be adopted, which motion prevailed.

On motion of Senator Days, **SCS for HCS for HB 272** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Scott                      Wright-Jones—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 237, HB 238**, introduced by Representative Jones (89), et al, and **HB 482**, introduced by Representative Jones (89), et al, with **SCS**, entitled respectively:

An Act to repeal section 517.041, RSMo, and to enact in lieu thereof one new section relating to service of summons.

An Act to repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to annual judicial reports.

An Act to repeal section 479.260, RSMo, and to enact in lieu thereof one new section relating to the use

of municipal court fees.

Were called from the Consent Calendar and taken up by Senator Bartle.

**SCS** for **HCS** for **HB 237**, **HB 238** and **HB 482**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 237  
and  
HOUSE BILL NO. 238  
and  
HOUSE BILL NO. 482

An Act to repeal sections 477.600, 479.260, 488.429, and 517.041, RSMo, and to enact in lieu thereof four new sections relating to courts.

Was taken up.

Senator Bartle moved that **SCS** for **HCS** for **HB 237**, **HB 238** and **HB 482** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HCS** for **HB 237**, **HB 238** and **HB 482** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 866**, with **SCS**, introduced by Representative Wells, et al, entitled:

An Act to repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against licensed professionals by sexual violent predators.

Was called from the Consent Calendar and taken up by Senator Lembke.

**SCS for HB 866**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 866**

An Act to repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against certain licensed professionals.

Was taken up.

Senator Lembke moved that **SCS for HB 866** be adopted, which motion prevailed.

On motion of Senator Lembke, **SCS for HB 866** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Wilson

Wright-Jones—33

**NAYS—Senators—None**

Absent—Senator Vogel—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HBs 836 and 753**, with **SCS**, entitled:

An Act to repeal section 534.030, RSMo, and to enact in lieu thereof one new section relating to notice that a foreclosure sale has occurred.

Was called from the Consent Calendar and taken up by Senator Justus.

**SCS for HCS for HBs 836 and 753**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 836 and 753**

An Act to repeal section 534.030, RSMo, and to enact in lieu thereof one new section relating to notice that a foreclosure sale has occurred.

Was taken up.

Senator Justus moved that **SCS for HCS for HBs 836 and 753** be adopted, which motion prevailed.

Senator Crowell assumed the Chair.

On motion of Senator Justus, **SCS** for **HCS** for **HBs 836** and **753** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 867**, with **SCS**, introduced by Representative Guest, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was called from the Consent Calendar and taken up by Senator Lager.

**SCS** for **HB 867**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 867

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was taken up.

Senator Lager moved that **SCS** for **HB 867** be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **HB 867** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 667**, with **SCS**, entitled:

An Act to repeal section 57.010, RSMo, and to enact in lieu thereof one new section relating to qualifications of sheriffs.

Was called from the Consent Calendar and taken up by Senator Goodman.

**SCS** for **HCS** for **HB 667**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 667

An Act to repeal section 57.010, RSMo, and to enact in lieu thereof one new section relating to qualifications of sheriffs.

Was taken up.

Senator Goodman moved that **SCS** for **HCS** for **HB 667** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HCS** for **HB 667** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer moved that **HB 376**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HB 376**, as amended, was again taken up.

Senator Griesheimer offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 144, Section 1, Line 8, by deleting “496.050, RSMo” and inserting in lieu thereof “493.050, RSMo”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Engler offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 101, Section 140.150, Lines 21-26 of said page, by striking all of said lines and inserting in lieu thereof the following: **“by first class mail. A second notice shall be sent by certified mail only if the assessed property valuation is one thousand dollars or greater. If the assessed valuation of the property is less than one thousand dollars, only the first notice shall be required. The postage for the mailing of the notices shall be paid”**; and

Further amend said bill, Page 103, Section 140.160, Line 15 of said page, by inserting after all of said line the following:

“140.170. 1. Except for lands described in subsection 7 of this section, the county collector shall cause a copy of the list of delinquent lands and lots to be printed in some newspaper of general circulation published in the county, for three consecutive weeks, one insertion weekly, before the sale, the last insertion to be at least fifteen days prior to the fourth Monday in August.

2. In addition to the names of all record owners or the names of all owners appearing on the land tax book it is only necessary in the printed and published list to state in the aggregate the amount of taxes, penalty, interest and cost due thereon, each year separately stated.

3. To the list shall be attached and in like manner printed and published a notice of said lands and lots stating that said land and lots will be sold at public auction to discharge the taxes, penalty, interest, and costs due thereon at the time of sale in or adjacent to the courthouse of such county, on the fourth Monday in August next thereafter, commencing at ten o'clock of said day and continuing from day to day thereafter until all are offered.

4. The county collector, on or before the day of sale, shall insert at the foot of the list on his record a copy of the notice and certify on his record immediately following the notice the name of the newspaper of the county in which the notice was printed and published and the dates of insertions thereof in the newspaper.

5. The expense of such printing shall be paid out of the county treasury and shall not exceed the rate



provided for in chapter 493, RSMo, relating to legal publications, notices and advertisements, and the cost of printing at the rate paid by the county shall be taxed as part of the costs of the sale of any land or lot contained in the list.

6. The county collector shall cause the affidavit of the printer, editor or publisher of the newspaper in which the list of delinquent lands and notice of sale was published, as provided by section 493.060, RSMo, with the list and notice attached, to be recorded in the office of the recorder of deeds of the county, and the recorder shall not charge or receive any fees for recording the same.

7. The county collector may have a separate list of such lands, without legal descriptions or the names of the record owners, printed in a newspaper of general circulation published in such county for three consecutive weeks before the sale of such lands for a parcel or lot of land that:

(1) Has an assessed value of [five hundred] **one thousand** dollars or less and has been advertised previously; or

(2) Is a lot in a development of twenty or more lots and such lot has an assessed value of [five hundred] **one thousand** dollars or less.

The notice shall state that legal descriptions and the names of the record owners of such lands shall be posted at any county courthouse within the county and the office of the county collector.”; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 13**, which was read:

**SENATE AMENDMENT NO. 13**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 143, Section 650.399, Line 27, by inserting after all of said line the following:

**“10. There is hereby specifically exempted from the sales tax imposed under this section all sales of food, as the term “food” is defined in section 144.014, RSMo.”.**

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 14**:

**SENATE AMENDMENT NO. 14**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 34, Section 67.1000, Line 28, by inserting after all of said line the following:

**“67.1177. 1. The board, by a majority vote, may submit to the residents of such district a tax of not less than two percent and not more than six percent on the amount of sales or charges for all sleeping rooms offered to the public and paid by the transient guests of hotels, motels and resorts situated within the district. Upon the written request of the board to the election officials of the county in which the district is situated, such election officials shall submit a proposition to the residents of such district at a countywide or statewide primary or general election, or at a special election called for that purpose. Such election officials shall give legal notice as provided in chapter 115, RSMo. As used in this section, the term “hotels, motels and resorts” includes any condominium offered to the public which is rented to a person or entity for a period of less than thirty-one days, any privately owned campground offered to the public which rents space to persons or entities for a period of less than thirty-one days, and also includes any rental of a houseboat**

originating from a point within the district and which is offered to the public. The term “hotels, motels and resorts” shall not include any facilities operated by a recognized church and its affiliates for the purpose of providing religious education and recreation to the church's members. As used in this section, the term “transient guest” means a person who occupies a room or rooms in a hotel, motel or resort for thirty-one days or less during any calendar quarter.

2. Such proposition shall be submitted to the voters of the business district in substantially the following form at such election:

Shall a lodging tax of ..... percent on the amount of sales or charges for all lodging paid by the transient guests of hotels, motels and resorts be levied in the lake area business district of the county of ..... to provide funds for the promotion of tourism in the district?

☐ YES

☐ NO

3. In the event that a majority of the voters voting on such proposition in such district approve such proposition, then such tax shall be in full force and effect as of the first day of the calendar quarter following the calendar quarter in which the election was held. The results of an election held under this section shall be certified by the election officials of the county to the board not more than thirty days after the day on which such election was held. The district shall be liable for its share of the costs of the election pursuant to section 115.065, RSMo.

4. In the event a tax is imposed under this section, such tax shall be in addition to any countywide gross receipts tax on hotels, motels or resorts in effect at the time of the election or imposed after the date of the election. If a tax is imposed under the provisions of this section, the county may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter.

5. The revenues received from the tax authorized in this section shall be used by the advisory board for advertising and promotion of tourism. Such advertising and promotional activities shall be developed into a comprehensive marketing plan, so as to meet the needs of all sizes and types of businesses within the lodging industry. The board members of each lodging category, as described in subsection 1 of section 67.1175, shall have sole authority for the expenditure of funds collected from that category, and tourism-related projects that may be identified as beneficial to any of the three lodging categories established in subsection 1 of section 67.1175 shall be eligible for funding, based on the proportionate share of revenues collected from that category. This shall include, but not be limited to, attending sports and travel shows, printing a vacation guide, soliciting convention business, constructing or purchasing convention facilities and visitor centers, and securing commercial air service into the area, which may include the subsidizing of airline seats. Moneys may also be expended by the board to contract with other entities to assist in bringing tourists to the district.

6. (1) On and after the effective date of any tax authorized under the provisions of this section, the advisory board shall enter into an agreement with the county collector of the county where the district is situated for the purpose of collecting the tax. The tax to be collected by the county collector shall be remitted to the advisory board of the district not later than thirty days following the end of any calendar quarter. The county commission shall adopt rules and regulations for the collection and administration of the tax. The county collector shall retain on behalf of the county two percent for cost of collection.

**(2) On or after August 28, 2009, the board shall enter into an agreement with the director of the department of revenue for the purpose of collecting any tax authorized under this section that accrues**

on or after August 28, 2009, or any later date specified in the agreement. The director shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The tax shall be collected and reported upon such forms and under such administrative rules as may be prescribed by the director, and the director shall retain not less than one percent nor more than three percent for the cost of collection. Any agreement entered into under this subdivision shall supersede any prior agreement entered into under subdivision (1) of this subsection.”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 15**:

#### SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 9, Section 52.290, Line 26 of said page, by inserting immediately after “2008,” the following: **“any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants,”**; and

Further amend said bill and section, page 10, line 14 of said page, by inserting immediately after “3.” the following: **“In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the collector shall collect on behalf of the county and pay into the county general revenue fund a fee for the collection of delinquent and back taxes of:**

**(1) Two percent on all sums collected, in the first year of such delinquency, from the party paying the tax;**

**(2) Four percent on all sums collected, in the second year of such delinquency, from the party paying the tax; and**

**(3) Seven percent on all sums collected, in the third year of such delinquency, from the party paying the tax.**

**4.”; and**

Further amend said bill, page 118, section 141.160, line 3, by striking the word “six hundred thousand” and inserting in lieu thereof the following: **“one million”**.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 16**:

#### SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Pages 23-26, Section 67.402, by striking all of said section and inserting in lieu thereof the following:

**“67.402. 1. The governing body of the following counties may enact nuisance abatement ordinances as provided in this section:**

**(1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but [less] fewer than one hundred thirty-five thousand five hundred inhabitants[.];**

**(2) Any county of the first classification with more than seventy-one thousand three hundred but [less]**

**fewer** than seventy-one thousand four hundred inhabitants[, and];

(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but [less] **fewer** than one hundred ninety-nine thousand two hundred inhabitants;

(4) **Any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants;**

(5) **Any county of the third classification without a township form of government and with more than sixteen thousand four hundred but fewer than sixteen thousand five hundred inhabitants.**

**2. The governing body of any county described in subsection 1 of this section** may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, **tires, storm water runoff conditions resulting in damage to buildings or infrastructure**, or overgrown or noxious weeds in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.

[2.] **3.** Any ordinance enacted pursuant to this section shall:

(1) Set forth those conditions which constitute a nuisance and which are detrimental to the health, safety, or welfare of the residents of the county;

(2) Provide for duties of inspectors with regard to those conditions which may be declared a nuisance, and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such property;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located shall be made parties;

(4) Provide that upon failure to commence work of abating the nuisance within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter before the county commission, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if evidence supports a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, the county commission shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the property to be a nuisance and detrimental to the health, safety, or welfare of the residents of the county and ordering the nuisance abated. If the evidence does not support a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, no order shall be issued.

[3.] **4.** Any ordinance authorized by this section may provide that if the owner fails to begin abating the nuisance within a specific time which shall not be longer than seven days of receiving notice that the

nuisance has been ordered removed, the building commissioner or designated officer shall cause the condition which constitutes the nuisance to be removed. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal shall be certified to the county clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the county collector's option, for the property and the certified cost shall be collected by the county collector in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Goodman assumed the Chair.

Senator Crowell assumed the Chair.

Senator Lager offered SA 17:

#### SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 17, Section 59.319, Line 17 of said page, by inserting after all of said line the following:

**“60.670. 1. As used in this section, the following terms shall mean:**

(1) **“Cadastral parcel mapping”, an accurately delineated identification of all real property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the position of the legal framework is derived from the USPLSS, existing tax maps, and tax database legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats.**

(2) **“Digital cadastral parcel mapping”, encompasses the concepts of automated mapping, graphic display and output, data analysis, and data base management as pertains to cadastral parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data, people, organizations, and institutional arrangements for collecting, storing, analyzing, and disseminating information about the location and areas of parcels and the USPLSS;**

(3) **“USPLSS” or “United States public land survey system”, a survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the land survey program of the department of natural resources;**

(4) **“Tax map”, a document or map for taxation purposes representing the location, dimensions, and other relevant information pertaining to a parcel of land subject to property taxes.**

**2. The office of the land surveyor established within the department of natural resources shall promulgate rules and regulations establishing minimum standards for digital cadastral parcel mapping. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

**3. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system shall comply with the rules promulgated under this section, unless the party requesting the map specifies otherwise in writing, the map was designed and in use prior to the promulgation of the rules, or the parties requesting and designing the map have already agreed to the terms of their contract on the effective date of the rules promulgation.”; and**

Further amend said bill, Page 139, Section 311.489, Line 13 of said page, by inserting after all of said line the following:

“327.272. 1. **A professional land surveyor shall include** any person who practices in Missouri as a professional land surveyor who uses the title of “surveyor” alone or in combination with any other word or words including, but not limited to “registered”, “professional” or “land” indicating or implying that the person is, or holds himself or herself out to be a professional land surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or implies that the person is a professional land surveyor or is willing or able to practice professional land surveying or who renders or offers to render, or holds himself or herself out as willing or able to render, or perform any service or work, the adequate performance of which involves the special knowledge and application of the principles of **land surveying**, mathematics, the related physical and applied sciences, and the relevant requirements of law, all of which are acquired by education, training, experience and examination, that affect real property rights on, under or above the land and which service or work involves:

(1) The **determination, location, relocation, establishment, reestablishment, layout, or retracing of land boundaries and positions of the United States Public Land Survey System;**

(2) Monumentation of land boundaries, land boundary corners and corners of the United States Public Land Survey System;

(3) The subdivision of land into smaller tracts;

(4) **Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities in subdivisions (1) to (3) of this subsection;**

(5) Consultation, investigation, evaluation, planning, design and execution of surveys;

[(5)] (6) The preparation of any drawings showing the shape, location, dimensions or area of tracts of land;

[(6)] (7) Monumentation of geodetic control and the determination of their horizontal and vertical positions;

[(7)] (8) Establishment of state plane coordinates;

[(8)] (9) Topographic surveys and the determination of the horizontal and vertical location of any physical features on, under or above the land;

[(9)] (10) The preparation of plats, maps or other drawings showing elevations and the locations of improvements and the measurement and preparation of drawings showing existing improvements after construction;

[(10)] (11) Layout of proposed improvements;

[(11)] (12) The determination of azimuths by astronomic observations.

2. None of the specific duties listed in subdivisions (4) to [(11)] (12) of subsection 1 of this section are

exclusive to professional land surveyors unless they affect real property rights. For the purposes of this section, the term “real property rights” means a recordable interest in real estate as it affects the location of land boundary lines.

3. Nothing in this section shall be construed to preclude the practice of architecture or professional engineering as provided in sections 327.091 and 327.181.

4. Nothing in this section shall be construed to prohibit the subdivision of land pursuant to section 137.185, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 75, Section 137.073, Lines 17-18, by striking all of the underlined words on said lines; and

Further amend lines 20-28 by striking all of the underlined words on said lines; and

Further amend page 76, lines 1-2 by striking all of said lines and inserting in lieu thereof the following:

“**For the 2009 tax year, any**”; and further amend lines 9-24 by striking all of the underlined words and inserting in lieu thereof the following:

“**approved tax rate.**”; and

Further amend said section, page 90, line 13 by inserting immediately after said line the following:

“**11. The county collector shall include in each taxpayer's tax bill the current tax rate and the most recent voter-approved tax rate for each purpose for each political subdivision located at least partially within the county levying a tax on property. In the event the stated current tax rate is greater than the most recent voter-approved tax rate for such purpose, the collector shall, in addition to requirements provided in this subsection, conspicuously note such fact in the tax bill. All political subdivisions shall provide information to the county collector on or before October 15th of each tax year.**”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **HB 376**, as amended, be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **HB 376**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SS** for **SCS** for **HB 376**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

**HB 644**, introduced by Representative Wilson (130), entitled:

An Act to repeal section 301.218, RSMo, and to enact in lieu thereof one new section relating to salvage vehicles.

Was taken up by Senator Griesheimer.

Senator Griesheimer offered **SA 1:**

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 644, Page 1, In the Title, Line 3, by striking “salvage” and inserting in lieu thereof the following: “registration and licensing of motor”; and

Further amend said bill and page, section A, line 3, by inserting immediately after said line the following:

“301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, RSMo, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application. **When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership.**

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, RSMo, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536, RSMo, indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words “Reconstructed Motor Vehicle”, “Motor Change Vehicle”, “Specially Constructed Motor Vehicle”, or “Non-USA-Std Motor Vehicle”, as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: “Annual odometer updates may be available from the department of revenue.”. On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or



(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied

by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307, RSMo, and the emissions inspection required under chapter 643, RSMo, shall be completed and the fees required by section 307.365, RSMo, and section 643.315, RSMo, shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307, RSMo. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365, RSMo, for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307, RSMo, and the emissions inspection required under chapter 643, RSMo, shall be completed and only the fees required by section 307.365, RSMo, and section 643.315, RSMo, shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been

appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by:

(1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

(2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;

(3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles. The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol."; and

Further amend said bill, page 2, section 301.218, line 38, by inserting immediately after said line the following:

"306.410. **1.** If an owner creates a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft:

(1) The owner shall immediately execute the application, either in the space provided therefor on the certificate of title or on a separate form the director of revenue prescribes, to name the lienholder on the certificate of title, showing the name and address of the lienholder and the date of his or her security agreement, and shall cause the certificate of title, the application and the required fee to be mailed or delivered to the director of revenue. Failure of the owner to do so is a class A misdemeanor;

(2) The lienholder or an authorized agent licensed pursuant to sections 301.112 to 301.119, RSMo, shall deliver to the director of revenue a notice of lien as prescribed by the director accompanied by all other necessary documentation to perfect a lien pursuant to section 306.400;

(3) To perfect a lien for a subordinate lienholder when a transfer of ownership occurs, the subordinate lienholder shall either mail or deliver, or cause to be mailed or delivered, a completed notice of lien to the department of revenue, accompanied by authorization from the first lienholder. The owner shall ensure the subordinate lienholder is recorded on the application for title at the time the application is made to the

department of revenue. To perfect a lien for a subordinate lienholder when there is no transfer of ownership, the owner or lienholder in possession of the certificate shall either mail or deliver, or cause to be mailed or delivered, the owner's application for title, certificate, notice of lien, authorization from the first lienholder and title fee to the department of revenue. The delivery of the certificate and executing a notice of authorization to add a subordinate lien does not affect the rights of the first lienholder under the security agreement;

(4) Upon receipt of the documents and fee required in subdivision (3) of this section, the director of revenue shall issue a new certificate of title containing the name and address of the new lienholder, and mail the certificate of title to the owner named in it or if a lienholder has elected to have the director of revenue retain possession of an electronic certificate of title, the lienholder shall either mail or deliver to the director a notice of authorization for the director to add a subordinate lienholder to the existing certificate as prescribed in section 306.405. Upon receipt of such authorization and a notice of lien from a subordinate lienholder, the director shall add the subordinate lienholder to the certificate of title being electronically retained by the director and provide confirmation of the addition to both lienholders.

**2. When an owner wants to add or delete a name or names on an application for certificates of title of an outboard motor, motorboat, vessel, or watercraft that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of title.**

430.082. 1. Every person expending labor, services, skill or material upon any motor vehicle or trailer, as defined in chapter 301, RSMo, vessel, as defined in chapter 306, RSMo, outboard motor or aircraft at a written request of its owner, authorized agent of the owner, or person in lawful possession thereof, or who provides storage for a motor vehicle, trailer, outboard motor or vessel, at the written request of its owner, authorized agent of the owner, or person in lawful possession thereof, or at the written request of a peace officer in lieu of the owner or owner's agent, where such owner or agent is not available to request storage thereof, shall, where the maximum amount to be charged for labor, services, skill or material has been stated as part of the written request or the daily charge for storage has been stated as part of the written request, have a lien upon the chattel beginning upon the date of commencement of the expenditure of labor, services, skill, materials or storage for the actual value of all the expenditure of labor, services, skill, materials or storage until the possession of that chattel is voluntarily relinquished to the owner, authorized agent, or one entitled to possession thereof. The person furnishing labor, services, skill or material may retain the lien after surrendering possession of the aircraft or part or equipment thereof by filing a statement in the office of the county recorder of the county where the owner of the aircraft or part or equipment thereof resides, if known to the claimant, and in the office of the county recorder of the county where the claimant performed the services. Such statement shall be filed within thirty days after surrendering possession of the aircraft or part or equipment thereof and shall state the claimant's name and address, the items on account, the name of the owner and a description of the property, and shall not bind a bona fide purchaser unless the lien has also been filed with the Federal Aviation Administration Aircraft Registry.

2. If the chattel is not redeemed within [three months] **forty-five days** of the completion of the requested labor, services, skill or material, the lienholder may apply to the director of revenue for a certificate of ownership or certificate of title.

3. If the charges are for storage or the service of towing the motor vehicle, trailer, outboard motor or vessel, and the chattel has not been redeemed [three months] **within forty-five days** after the charges for

storage commenced, the lienholder shall notify by certified mail, postage prepaid, the owner and any lienholders of record other than the person making the notification, at the person's last known address that application for a lien title will be made unless the owner or lienholder within [forty-five] **thirty** days makes satisfactory arrangements with the person holding the chattel for payment of storage or service towing charges, if any, or makes satisfactory arrangements with the lienholder for paying such charges or for continued storage of the chattel if desired. [Forty-five] **Thirty** days after the notification has been mailed and the chattel is unredeemed, **or the notice has been returned marked “not fowardable” or “addressee unknown”**, and no satisfactory arrangement has been made with the lienholder for payment or continued storage, the lienholder may apply to the director of revenue for a certificate of ownership or certificate of title as provided in this section.

4. The application shall be accompanied by:

(1) The original or a conformed or photostatic copy of the written request of the owner or the owner's agent or of a peace officer with the maximum amount to be charged stated therein;

(2) An affidavit [of the] **from the** lienholder that **written notice was provided to all owners and lienholders of the applicants' intent to apply for a certificate of ownership and** the owner has defaulted on payment of labor, services, skill or material and that payment is [three months] **forty-five days** past due, or that owner has defaulted on payment or has failed to make satisfactory arrangements for continued storage of the chattel for [forty-five] **thirty** days since notification of intent to make application for a certificate of ownership or certificate of title. **The affidavit shall be accompanied by a copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest and a copy of the certified mail receipt indicating that the owner and lienholder of record was sent a notice as required in this section;**

(3) A statement of the actual value of the expenditure of labor, services, skill or material, or the amount of storage due on the date of application for a certificate of ownership or certificate of title, and the amount which is unpaid; and

(4) A fee of ten dollars.

5. If the director is satisfied with the genuineness of the application, **proof of lienholder notification in the form of a certified mail receipt**, and supporting documents, [the director shall notify by certified mail, postage prepaid, the owner and any lienholders of record, other than the applicant, at their last known address that application has been made for a lien title on the chattel.

6. Thirty days after notification of the owner and lienholders,] **and** if no lienholder or the owner has redeemed the chattel or no satisfactory arrangement has been made concerning payment or continuation of storage [and the application has not been withdrawn], and if no owner or lienholder has informed the director that the owner or lienholder demands a hearing [and enforcement of the lien] as provided in [section 430.160] **this section**, the director shall issue, in the same manner as a repossessed title is issued, a certificate of ownership or certificate of title to the applicant which shall clearly be captioned “Lien Title”.

[7.] **6.** Upon receipt of a lien title, the holder shall within ten days begin proceedings to sell the chattel as prescribed in section 430.100.

[8.] **7.** The provisions of section 430.110 shall apply to the disposition of proceeds, and the lienholder shall also be entitled to any actual and necessary expenses incurred in obtaining the lien title, including, but not limited to, court costs and reasonable attorney's fees.

700.320. 1. The owner of any new or used manufactured home, as defined in section 700.010, shall make application to the director of revenue for an official certificate of title to such manufactured home in the manner prescribed by law for the acquisition of certificates of title to motor vehicles, and the rules promulgated pursuant thereto. All fees required by section 301.190, RSMo, for the titling of motor vehicles and all penalties provided by law for the failure to title motor vehicles shall apply to persons required to make application for an official certificate of title by this subsection. In case there is any duplication in serial numbers assigned any manufactured homes, or no serial number has been assigned by the manufacturer, the director shall assign the serial numbers for the manufactured homes involved.

2. At the time the owner of any new manufactured home, as defined in section 700.010, which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title for such manufactured home, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the manufactured home, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new manufactured home subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510, RSMo, has been paid as provided in this section. As used in this subsection, the term “purchase price” shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the new manufactured home regardless of the medium of payment therefor. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisal by the director. The director of the department of revenue shall endorse upon the official certificate of title issued by him upon such application an entry showing that such sales tax has been paid or that the manufactured home represented by the certificate is exempt from sales tax and state the ground for such exemption.

3. A certificate of title for a manufactured home issued in the names of two or more persons that does not show on the face of the certificate that the persons hold their interest in the manufactured home as tenants in common, on death of one of the named persons, may be transferred to the surviving owner or owners. On proof of death of one of the persons in whose names the certificate was issued, surrender of the outstanding certificate of title, and on application and payment of the fee for an original certificate of title, the director of revenue shall issue a new certificate of title for the manufactured home to the surviving owner or owners; and the current valid certificate of number shall be so transferred.

4. A certificate of title for a manufactured home issued in the names of two or more persons that shows on its face that the persons hold their interest in the manufactured home as tenants in common, on death of one of the named persons, may be transferred by the director of revenue on application by the surviving owners and the personal representative or successors of the deceased owner. Upon being presented proof of death of one of the persons in whose names the certificate of title was issued, surrender of the outstanding certificate of title, and on application and payment of the fee for an original certificate of title, the director of revenue shall issue a new certificate of title for the manufactured home to the surviving owners and personal representative or successors of the deceased owner; and the current valid certificate of number shall be so transferred.

**5. When an owner wants to add or delete a name or names on an application for certificate of title**

**to a manufactured home that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of title.”; and**

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend House Bill No. 644, Page 1, In the Title, Line 3 of the title, by striking the word “salvage” and inserting in lieu thereof the following: “the registration and licensing of motor”; and

Further amend said bill and Page, Section A, Line 2, by inserting after all of said line the following:

“301.069. **1.** A driveway license plate may not be used on a vehicle used or operated on a highway except for the purpose of transporting vehicles in transit. Driveway license plates may not be used by tow truck operators transporting wrecked, disabled, abandoned, improperly parked, or burned vehicles. For each driveway license there shall be paid an annual license fee of forty-four dollars and fifty cents for one set of plates or such insignia as the director may issue which shall be attached to the motor vehicle as prescribed in this chapter. Applicants may choose to obtain biennial driveway licenses. The fee for biennial driveway licenses shall be eighty-nine dollars. For single trips the fee shall be four dollars, and descriptive insignia shall be prepared and issued at the discretion of the director who shall also prescribe the type of equipment used to attach such vehicles in combinations.

**2. Notwithstanding the provisions of subsection 1 of this section, the annual license fee for one set of driveway license plates issued to a person, firm or corporation licensed by the department of revenue as a wholesale motor vehicle auction, as defined in section 301.550, shall be seventeen dollars. The fee for biennial driveway licenses issued to persons, firms, or corporations licensed as wholesale motor vehicle auctions shall be thirty-four dollars.”; and**

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Griesheimer, **HB 644**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

#### NAYS—Senators—None

#### Absent—Senators

Purgason            Scott—2

#### Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 15**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **RESOLUTIONS**

Senator Rupp offered Senate Resolution No. 935, regarding Helene Diller, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 936, regarding Paul Mydler, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 937, regarding William Goldkamp, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 938, regarding Fritz Hoffmeister, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 939, regarding Susan Myers, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 940, regarding Alan Raymond, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 941, regarding Nancy Dickens, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 942, regarding Wendy Drnec, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 943, regarding Thomas Nelsen, Saint Charles County, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Wright-Jones introduced to the Senate, Dr. Rosa Kincaid, M.D., St. Louis.



Senator Ridgeway introduced to the Senate, Wayne Beer, Bev Carter, Paige Carter, Natalie Brehm, Brian Johnson, Kim Lisby, Melanie Schuler, Marty Schuettpelz, Carolyn Meyer, Charles St. Clair, Jennifer Presberry and Richard Rice, members of University of Missouri Extension, Clay County.

Senator Ridgeway introduced to the Senate, Lisa Dangler, Liberty.

Senator Scott introduced to the Senate, Tracy Daniels, Bolivar; and Brad Stewart, El Dorado Springs.

Senator Champion introduced to the Senate, students from Sunshine Elementary School, Springfield.

Senator Pearce introduced to the Senate, Lynn Shupe, Liza Eador, Susan Barrett, Vernon County; and Steve Middlekamp, St. Louis.

On behalf of Senator Engler, the President introduced to the Senate, John H. Singleton, Fredericktown.

Senator Lembke introduced to the Senate, former State Senator Harry Kennedy, St. Louis.

Senator Lembke introduced to the Senate, Chris Livingston and students, Taylor Chambless and Megan Schwalbert, Notre Dame High School, St. Louis.

Senator Mayer introduced to the Senate, Jennifer Johns, Lance Day, Derek Brucker, Andrew Chandler, Taylor Moreland, Samantha Warner, Sarah Weidner and Bradd Anderson, members of Missouri State 4-H Council from around the state.

Senator Bartle introduced to the Senate, eighth grade students from St. John LaLande Catholic School, Blue Springs.

Senator Schmitt introduced to the Senate, Jason Adams, Christine Berry, Amy Gallant, Dan Mueller and eighty-eight fourth grade students from Tillman Elementary School, Kirkwood.

Senator Schmitt introduced to the Senate, Gina Jaksetic, Kirkwood.

Senator Engler introduced to the Senate, Nathan Foust, St. Peters.

Senator Bray introduced to the Senate, Libby Freihaut, Eliam Zuckerman, J.T. Vanino, Brandon Wohlfarth and Zaphron Richardson, sixth grade students from The College School, Webster Groves.

Senator Bray introduced to the Senate, Judy Neely, Denise Kuse and fifty fourth grade students from Drummund Elementary School, St. Ann.

Senator Wilson introduced to the Senate, McKenzie Smith, Kansas City; and McKenzie was made an honorary page.

On behalf of Senator Lager, the President introduced to the Senate, members of Jefferson C-123 Class 1 State Champion girls softball team, Nodaway County.

Senator Days introduced to the Senate, fourth grade students from Marion Elementary School, St. Louis.

Senator Engler introduced to the Senate, Susan, William, and Jenya Zoughaib, and Vicki Govro, Ste. Genevieve.

Senator Shields introduced to the Senate, representatives of Northwest Missouri Regional Professional Development Center, Kirksville.

Senator Pearce introduced to the Senate, David Bock, Jefferson City; and Lauren Talley, Columbia.

On motion of Senator Engler, the Senate adjourned under the rules.

SENATE CALENDAR

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FIFTY-EIGHTH DAY—THURSDAY, APRIL 23, 2009

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 668  
HCS for HB 361  
HCS for HB 217

HB 170-Cox, et al  
HCS for HBs 620 & 671  
HB 15-Icet

THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp  
(In Fiscal Oversight)  
SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)  
SCS for SB 549-Schmitt  
(In Fiscal Oversight)

SS#2 for SCS for SB 363-Griesheimer  
(In Fiscal Oversight)  
SCS for SBs 335 & 16-Rupp  
SCS for SB 197-Goodman  
SB 458-Lager

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce and Smith, with SCS &  
SS#3 for SCS (pending)  
SB 57-Stouffer, with SCS & SA 1 (pending)  
SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for  
SCS (pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)

SB 228-Scott, with SCS, SS for SCS, SA 12,  
SSA 1 for SA 12 & SA 1 to SSA 1  
for SA 12 (pending)  
SB 236-Lembke  
SB 254-Barnitz, with SS (pending)  
SBs 261, 159, 180 & 181-Bartle and  
Goodman, with SCS & SS#3 for SCS  
(pending)  
SB 264-Mayer  
SB 267-Mayer and Green, with SA 1  
(pending)  
SB 284-Lembke, et al, with SA 1 (pending)  
SB 299-Griesheimer, with SCS & SS for  
SCS (pending)  
SB 321-Days, et al, with SCS (pending)  
SB 364-Clemens and Schaefer

SB 409-Stouffer, with SCS (pending)  
 SB 477-Wright-Jones, with SS (pending)  
 SB 527-Nodler and Bray  
 SB 555-Lager, with SCS, SS for SCS &  
 SA 2 (pending)

SB 572-Dempsey and Justus  
 SJR 12-Scott, with SCS (pending)

#### HOUSE BILLS ON THIRD READING

HB 103-Wildberger, et al, with SCS & SS  
 for SCS (pending) (Callahan)  
 SS for HCS for HB 154 (Shields)  
 (In Fiscal Oversight)  
 HCS for HB 191, with SCS & SS for SCS  
 (pending) (Griesheimer)

HB 287-Day, et al, with SS (pending)  
 (Mayer)  
 SS for SCS for HB 376-Hobbs, et al  
 (Griesheimer) (In Fiscal Oversight)

#### CONSENT CALENDAR

##### House Bills

##### Reported 4/9

HCS for HB 251 (Clemens)  
 HB 210-Deeken (Crowell)  
 HB 400-Nasheed, et al (Smith)

HB 593-Viebrock (Crowell)  
 HB 678-Wasson (Goodman)  
 HB 537-Dixon, et al (Wright-Jones)

##### Reported 4/14

HB 83-Wood, with SCS (Goodman)  
 HCS for HB 124 (McKenna)  
 HB 282-Stevenson, et al (Nodler)  
 HB 652-Pratt (Bartle)

HB 698-Zimmerman, et al (Schmitt)  
 HCS for HB 895 (Stouffer)  
 HB 918-Kelly (Schaefer)  
 HB 919-Ruestman, et al (Goodman)

##### Reported 4/15

HCS for HB 525 (Schmitt)  
 HCS for HB 231 (Rupp)  
 HB 826-Brown (149), et al (Lembke)  
 HCS for HB 685 (Goodman)  
 HB 811-Wasson (Scott)  
 HCS for HB 273 (Scott)  
 HCS for HB 485 (Mayer)

HB 859-Dieckhaus, et al (Griesheimer)  
 HB 283-Wood, with SCS (Goodman)  
 HCS for HBs 234 & 493 (Shoemyer)  
 HCS for HB 148, with SCS#2 (Griesheimer)  
 HB 326-Sutherland, with SCS (Griesheimer)  
 HCS for HB 236, with SCS (Crowell)  
 HB 289-Wallace (Mayer)

HB 373-Wallace, with SCS (Mayer)  
HB 490-Schad, et al (Pearce)  
HB 506-Funderburk, et al, with SCS (Rupp)

HB 682-Swinger, et al (Mayer)  
HB 922-Smith (14), et al, with SCS (Rupp)

**BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES**

**In Conference**

HCS for HB 2, with SS for SCS (Nodler)  
HCS for HB 3, with SS for SCS (Nodler)  
HCS for HB 4, with SCS (Nodler)  
HCS for HB 5, with SCS (Nodler)  
HCS for HB 6, with SCS (Nodler)  
HCS for HB 7, with SCS (Nodler)

HCS for HB 8, with SCS (Nodler)  
HCS for HB 9, with SCS (Nodler)  
HCS for HB 10, with SCS (Nodler)  
HCS for HB 11, with SCS (Nodler)  
HCS for HB 12, with SCS (Nodler)  
HB 13-Icet, with SCS (Nodler)

**RESOLUTIONS**

**Reported from Committee**

SR 141-Engler, with point of order  
(pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FIFTY-EIGHTH DAY—THURSDAY, APRIL 23, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Owe no one anything, except to love one another; for the one who loves another has fulfilled the law.” (Romans 13:8)

Help us to finish our work today in good fashion and to leave here satisfied with how we have managed ourselves as Your servants. Bless us with safe travel so we may lovingly return to those You have given us to love and express that love in that which is good and necessary for us to do. And make us mindful of the sacrifices others make on our behalf so we are free to do the work You have given us to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KODE-TV 12 were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senators Vogel and Engler offered Senate Resolution No. 944, regarding Janice Fay Webb, Jefferson City, which was adopted.

Senator Pearce offered Senate Resolution No. 945, regarding the Burnt District Monument, Cass County, which was adopted.

Senator Pearce offered Senate Resolution No. 946, regarding Edward C. Green, Warrensburg, which was adopted.

Senator Wilson offered Senate Resolution No. 947, regarding the death of Dr. Gertrude Hooker Keith, Kansas City, which was adopted.

Senator Vogel offered Senate Resolution No. 948, regarding Linda Cade, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 949, regarding Ruth Bellamy, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 950, regarding Karen McMahon, Jefferson City, which was adopted.

**HOUSE BILLS ON THIRD READING**

**HCS for HB 148**, with **SCS No. 2**, entitled:

An Act to repeal sections 52.361, 52.370, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071, RSMo, and to enact in lieu thereof fourteen new sections relating to collection of taxes.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

**SCS No. 2 for HCS for HB 148**, entitled:

**SENATE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 148**

An Act to repeal sections 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 67.110, 137.073, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071, RSMo, and to enact in lieu thereof nineteen new sections relating to property taxation.

Was taken up.

Senator Griesheimer moved that **SCS No. 2 for HCS for HB 148** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS No. 2 for HCS for HB 148** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Dempsey assumed the Chair.

**HB 326**, with **SCS**, introduced by Representative Sutherland, entitled:

An Act to repeal sections 337.600 and 337.604, RSMo, and to enact in lieu thereof two new sections relating to social workers.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

**SCS** for **HB 326**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 326

An Act to repeal sections 337.600, 337.604, and 376.811, RSMo, and to enact in lieu thereof three new sections relating to licensed mental health professionals.

Was taken up.

Senator Griesheimer moved that **SCS** for **HB 326** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **HB 326** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 236**, with **SCS**, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to students with disabilities, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Crowell.

**SCS** for **HCS** for **HB 236**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 236

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to students with disabilities, with an emergency clause.

Was taken up.

Senator Crowell moved that **SCS** for **HCS** for **HB 236** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **HCS** for **HB 236** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Scott—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32



NAYS—Senator Scott—1

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 373**, with **SCS**, introduced by Representative Wallace, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the general educational development revolving fund.

Was called from the Consent Calendar and taken up by Senator Mayer.

**SCS** for **HB 373**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 373

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.560, 169.630, 169.650, 169.660, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof seventeen new sections relating to education, with an emergency clause for certain sections.

Was taken up.

Senator Mayer moved that **SCS** for **HB 373** be adopted.

President Pro Tem Shields assumed the Chair.

At the request of Senator Mayer, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

**HB 506**, with **SCS**, introduced by Representative Funderburk, et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to math, engineering, technology and science week.

Was called from the Consent Calendar and taken up by Senator Rupp.

**SCS** for **HB 506**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 506

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to math, engineering, technology and sciences week.

Was taken up.

Senator Rupp moved that **SCS** for **HB 506** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **HB 506** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Clemens      Griesheimer—2

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 922**, with **SCS**, introduced by Representative Smith (14), et al, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to allergy prevention and response in schools.

Was called from the Consent Calendar and taken up by Senator Rupp.

**SCS** for **HB 922**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 922

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to allergy prevention and response in schools.

Was taken up.

Senator Rupp moved that **SCS** for **HB 922** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **HB 922** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Clemens          Griesheimer—2

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 549**; **SS No. 2** for **SCS** for **SB 363**; and **SS** for **SCS** for **SB 167**, begs leave to report that it has considered the same and recommends that the bills do pass.

### THIRD READING OF SENATE BILLS

**SS** for **SCS** for **SB 167**, introduced by Senator Rupp, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 167

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for the diagnosis and treatment of autism spectrum disorders.

Was taken up.

On motion of Senator Rupp, **SS** for **SCS** for **SB 167** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bartle          Scott—2

Absent—Senators

Clemens          Cunningham          Purgason—3

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 549**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 549

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof four new sections relating to MO HealthNet data transparency.

Was taken up by Senator Schmitt.

On motion of Senator Schmitt, **SCS for SB 549** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Cunningham—1

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS No. 2 for SCS for SB 363**, introduced by Senator Griesheimer, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 363

An Act to repeal sections 32.063, 136.055, 144.025, 144.027, 144.060, 144.070, 301.280, and 301.562, RSMo, and to enact in lieu thereof ten new sections relating to motor vehicle dealers, with penalty

provisions.

Was taken up.

On motion of Senator Griesheimer, **SS No. 2** for **SCS** for **SB 363** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Lager	Lembke	Mayer	McKenna	Nodler
Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Barnitz	Justus	Purgason—3
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Absent—Senators

Clemens	Crowell—2
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Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SBs 335** and **16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 335 and 16

An Act to repeal section 303.024, RSMo, and to enact in lieu thereof one new section relating to the motor vehicle financial responsibility law, with penalty provisions.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS** for **SBs 335** and **16** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 197**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 197

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology services.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS for SB 197** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Barnitz      Bartle—2

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 458**, introduced by Senator Lager, entitled:

An Act to amend chapter 23, RSMo, by adding thereto one new section relating to the employees of the oversight division of the committee on legislative research, with penalty provisions.

Was taken up.

On motion of Senator Lager, **SB 458** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 569**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 239**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 842**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 914**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 709**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 306**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 257**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 65**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 481**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 247**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 229**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **HCS** for **HB 177** and **HCS** for **HB 622**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HJR 10**, begs leave to report that it has considered the same and recommends that the



joint resolution do pass.

On behalf of Senator Crowell, Chairman of the Committee on Veterans' Affairs, Pensions and Urban Affairs, Senator Engler submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **HCS** for **HB 427**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **HCS** for **HB 82**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 488**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 659**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 89**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 253**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 683**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HBs 128** and **340**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 544**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 844**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 495**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 132**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 205**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce assumed the Chair.

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Elizabeth Magee, as a member of the Child Abuse and Neglect Review Board;

Also,

Gary M. O'Bannon, as a member of the Personnel Advisory Board;

Also,

Michael J. Ponder, as a member of the State Board of Education;

Also,

Anne M. Roux, as a member of the Missouri Commission on Autism Spectrum Disorders;

Also,

Deborah Wagner, Rhonda Shimmens, Adrienne A. Fly and Aubrey F. Moncrief, as members of the Missouri State Board of Nursing;

Also,

Richard C. Dunn, as a member of the Children's Trust Fund Board.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

### HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 668**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 361**—Progress and Development.

**HCS for HB 217**—Education.

**HB 170**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HBs 620 and 671**—Ways and Means.

**HB 15**—Appropriations.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 426**, entitled:

An Act to amend chapter 578, RSMo, by adding thereto fourteen new sections relating to the large carnivore act, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 384**, entitled:

An Act to repeal sections 192.925, 195.202, 210.1012, 211.031, 229.110, 479.260, 488.5025, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 565.020, 566.145, 566.226, 568.045, 570.030, 570.080, and 589.425, RSMo, and to enact in lieu thereof sixteen new sections relating to certain criminal offenses and criminal procedures, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 577**, entitled:

An Act to repeal sections 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, and 379.1412, RSMo, and to enact in lieu thereof nine new sections relating to captive insurance companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 316**, entitled:

An Act to repeal sections 105.955, 105.961, 610.010, 610.020, 610.021, 610.022, 610.023, 610.027, 610.029, and 610.100, RSMo, and to enact in lieu thereof thirteen new sections relating to public records and meetings, with penalty provisions and an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 631**, entitled:

An Act to repeal section 168.700, RSMo, and to enact in lieu thereof two new sections relating to the Missouri teaching fellows program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 156**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to supplemental food stamp assistance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 390**, entitled:

An Act to repeal sections 172.360, 174.130, 178.635, 178.780, 208.009, 285.530, 285.555, and 292.675, RSMo, and to enact in lieu thereof eleven new sections relating to unauthorized aliens, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 883**, entitled:

An Act to repeal sections 30.260, 30.270, 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, and to enact in lieu thereof eight new sections relating to the state treasurer, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 978** and **1028**, entitled:

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 135.403, 256.620, 360.106, 386.756, 414.530, 414.560, 414.570, and 644.570, RSMo, and to enact in lieu thereof twenty-nine new sections relating to the environment, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 915** and **923**, entitled:

An Act to repeal sections 276.436, 276.441, 276.446, and 276.536, RSMo, and to enact in lieu thereof two new sections relating to grain dealers with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1075**, entitled:

An Act to repeal sections 285.309, 288.040, 288.050, 288.062, 288.130, 288.160, 288.170, 288.250, and 288.330, RSMo, and to enact in lieu thereof nine new sections relating to unemployment compensation, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 228**, entitled:

An Act to repeal sections 116.080, 116.090, and 116.332, RSMo, and to enact in lieu thereof four new sections relating to petition circulators, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 568** and **534**, entitled:

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to voter registration for hunting and fishing permit applicants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **INTRODUCTIONS OF GUESTS**

Senator Pearce introduced to the Senate, the Physician of the Day, Dr. William A. Turner, M.D., and Marie Wessley/McCullough, Nevada.

Senator Nodler introduced to the Senate, Ken, Missy, Connor and Anna Williams, Joplin.

Senator Scott introduced to the Senate, Gary and Beverly Whitmore, Osceola.

On behalf of Senator Smith and herself, Senator Bray introduced to the Senate, Bob Guller, Kelly Hynes and their children, Ben, Aaron and Beatrice, St. Louis.

Senator Shields introduced to the Senate, Brad and Spencer Culver and Cain Winebrenner, students from Congress Middle School, Kansas City; and Brad and Cain were made honorary pages.

Senator Schmitt introduced to the Senate, his parents, Steve and Kathy Schmitt, St. Louis.

Senator Pearce introduced to the Senate, Jaeque Qualls, Misty Schalow and her children, Austin, Katie and Hayden, Homeschoolers from Raymore.

Senator Dempsey introduced to the Senate, fourth grade students from Monroe Elementary School, St. Charles.

Senator Cunningham introduced to the Senate, Patrick Berry, Chesterfield.

Senator Dempsey introduced to the Senate, seventh grade students from Zion Lutheran School, St. Charles.

Senator Shoemyer introduced to the Senate, Daryl Davis, Jenny Webb, Lora Hillman, Teniel Banner, Mike Rennells, Jean Harding, Joyce Wilson, Myra Collins and Susan Hodges, members of Northeast Leadership Academy, Truman State University, Kirksville.

Senator Schmitt introduced to the Senate, fourth grade students from Avery Elementary School, Webster Groves.

On motion of Senator Engler, the Senate adjourned until 2:00 p.m., Monday, April 27, 2009.

### **SENATE CALENDAR**

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**FIFTY-NINTH DAY—MONDAY, APRIL 27, 2009**

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### **FORMAL CALENDAR**

### **HOUSE BILLS ON SECOND READING**

HCS for HB 426  
HCS for HB 384

HCS for HB 577  
HCS for HB 316

HCS for HB 631  
HB 156-Nance and Ruestman  
HCS for HB 390  
HCS for HB 883  
HCS for HBs 978 & 1028

HCS for HBs 915 & 923  
HCS for HB 1075  
HCS for HB 228  
HCS for HBs 568 & 534

### THIRD READING OF SENATE BILLS

SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 569-Lembke, with SCS

### HOUSE BILLS ON THIRD READING

- |   |  |
|---|--|
| 1. HB 239-Jones (89), et al, with SCS<br>(Pearce) | 14. HCS for HB 82, with SCS                          |
| 2. HB 842-Wood, with SCS (Goodman)                | 15. HB 488-Schad, et al, with SCS (Pearce)           |
| 3. HCS for HB 914 (Scott)                         | 16. HB 659-Dusenberg, et al, with SCS<br>(Bartle)    |
| 4. HB 709-Dusenberg, et al (Bartle)               | 17. HCS for HB 89 (Wilson)                           |
| 5. HCS for HB 306                                 | 18. HB 253-Davis, et al (Stouffer)                   |
| 6. HB 257-Schieffer, with SCS (Rupp)              | 19. HB 683-Schieffer, et al, with SCS (Stouffer)     |
| 7. HB 65-Wilson (119), et al                      | 20. HCS for HBs 128 & 340 (Scott)                    |
| 8. HCS for HB 481 (Lembke)                        | 21. HB 544-Smith (150), et al, with SCS<br>(Goodman) |
| 9. HCS for HB 247, with SCS (Clemens)             | 22. HCS for HB 844                                   |
| 10. HB 229-Ervin, with SCS                        | 23. HCS for HB 495, with SCS (Griesheimer)           |
| 11. HCS for HB 177 & HCS for HB 622,<br>with SCS  | 24. HB 132-Fallert, et al (McKenna)                  |
| 12. HCS for HJR 10 (Lembke)                       | 25. HCS for HB 205, with SCS (Goodman)               |
| 13. HCS for HB 427, with SCS                      |  |

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer

SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce and Smith, with SCS &  
SS#3 for SCS (pending)  
SB 57-Stouffer, with SCS & SA 1 (pending)

SB 72-Stouffer, with SCS  
 SB 94-Justus, et al, with SCS & SS for SCS  
 (pending)  
 SB 174-Griesheimer and Goodman, with  
 SCS, SS#2 for SCS & SA 2 (pending)  
 SCS for SB 189-Shields  
 SBs 223 & 226-Goodman and Nodler, with  
 SCS & SA 1 (pending)  
 SB 228-Scott, with SCS, SS for SCS,  
 SA 12, SSA 1 for SA 12 & SA 1 to SSA 1  
 for SA 12 (pending)  
 SB 236-Lembke  
 SB 254-Barnitz, with SS (pending)  
 SBs 261, 159, 180 & 181-Bartle and Goodman,  
 with SCS & SS#3 for SCS (pending)

SB 264-Mayer  
 SB 267-Mayer and Green, with SA 1 (pending)  
 SB 284-Lembke, et al, with SA 1 (pending)  
 SB 299-Griesheimer, with SCS & SS for SCS  
 (pending)  
 SB 321-Days, et al, with SCS (pending)  
 SB 364-Clemens and Schaefer  
 SB 409-Stouffer, with SCS (pending)  
 SB 477-Wright-Jones, with SS (pending)  
 SB 527-Nodler and Bray  
 SB 555-Lager, with SCS, SS for SCS & SA 2  
 (pending)  
 SB 572-Dempsey and Justus  
 SJR 12-Scott, with SCS (pending)

#### HOUSE BILLS ON THIRD READING

HB 103-Wildberger, et al, with SCS &  
 SS for SCS (pending) (Callahan)  
 SS for HCS for HB 154 (Shields)  
 (In Fiscal Oversight)  
 HCS for HB 191, with SCS & SS for SCS  
 (pending) (Griesheimer)

HB 287-Day, et al, with SS (pending)  
 (Mayer)  
 SS for SCS for HB 376-Hobbs, et al  
 (Griesheimer) (In Fiscal Oversight)

#### CONSENT CALENDAR

##### House Bills

Reported 4/9

HCS for HB 251 (Clemens)  
 HB 210-Deeken (Crowell)  
 HB 400-Nasheed, et al (Smith)

HB 593-Viebrock (Crowell)  
 HB 678-Wasson (Goodman)  
 HB 537-Dixon, et al (Wright-Jones)

Reported 4/14

HB 83-Wood, with SCS (Goodman)  
 HCS for HB 124 (McKenna)  
 HB 282-Stevenson, et al (Nodler)

HB 652-Pratt (Bartle)  
 HB 698-Zimmerman, et al (Schmitt)  
 HCS for HB 895 (Stouffer)



HB 918-Kelly (Schaefer)

HB 919-Ruestman, et al (Goodman)

Reported 4/15

HCS for HB 525 (Schmitt)

HCS for HB 231 (Rupp)

HB 826-Brown (149), et al (Lembke)

HCS for HB 685 (Goodman)

HB 811-Wasson (Scott)

HCS for HB 273 (Scott)

HCS for HB 485 (Mayer)

HB 859-Dieckhaus, et al (Griesheimer)

HB 283-Wood, with SCS (Goodman)

HCS for HBs 234 & 493 (Shoemyer)

HB 289-Wallace (Mayer)

HB 373-Wallace, with SCS (Mayer)

HB 490-Schad, et al (Pearce)

HB 682-Swinger, et al (Mayer)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SS for SCS (Nodler)

HCS for HB 3, with SS for SCS (Nodler)

HCS for HB 4, with SCS (Nodler)

HCS for HB 5, with SCS (Nodler)

HCS for HB 6, with SCS (Nodler)

HCS for HB 7, with SCS (Nodler)

HCS for HB 8, with SCS (Nodler)

HCS for HB 9, with SCS (Nodler)

HCS for HB 10, with SCS (Nodler)

HCS for HB 11, with SCS (Nodler)

HCS for HB 12, with SCS (Nodler)

HB 13-Icet, with SCS (Nodler)

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order (pending)

SCR 7-Pearce

SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)

SCR 11-Bartle, et al

SCR 14-Schmitt

SCR 21-Clemens

SCR 10-Rupp

SCR 18-Bartle and Rupp

SCR 23-Schmitt

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# Journal of the Senate

## FIRST REGULAR SESSION

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**FIFTY-NINTH DAY—MONDAY, APRIL 27, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“There may be times when we are powerless to prevent injustice, but there must never be a time when we fail to protest.” (*Elie Wiesel*)

We thank You Lord for bringing us safely to our session this afternoon and we are grateful for the work that we face this week. Help us to deal with each bill from our willingness to work together and from our core values to what we hold as important. Help us find avenues of compromise and do so with good nature and honesty. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 23, 2009 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Shoemyer offered Senate Resolution No. 951, regarding Corrections Officer II Keith A. Cline, Bowling Green, which was adopted.

Senator Shoemyer offered Senate Resolution No. 952, regarding Delane Gower Kinzler, Unionville, which was adopted.

Senator Vogel offered Senate Resolution No. 953, regarding Chaplain John F. Hunter, Auxvasse, which was adopted.

Senator Vogel offered Senate Resolution No. 954, regarding the One Hundred Fiftieth Anniversary of the city of Syracuse, Morgan County, which was adopted.

Senator Bray offered Senate Resolution No. 955, regarding Fontbonne University, which was adopted.

Senator Bray offered Senate Resolution No. 956, regarding Missouri's library workers, which was adopted.

Senator Bray offered Senate Resolution No. 957, regarding the 2009 Class 5 State Champion Chaminade College Preparatory School Basketball team, which was adopted.

Senator Shoemyer offered Senate Resolution No. 958, regarding Spencer E. Trower, Vandalia, which was adopted.

Senator Mayer offered Senate Resolution No. 959, regarding Barbara Ann Wilcoxon, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 960, regarding Sally Ladyman, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 961, regarding Pamela L. Nunnery, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 962, regarding Joe Rozman, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 963, regarding Dr. James Larry Kimbrow, Poplar Bluff, which was adopted.

Senator Engler offered Senate Resolution No. 964, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Cleo Ray Young, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 965, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ray Vines, Bloomsdale, which was adopted.

Senator Engler offered Senate Resolution No. 966, regarding Craig Stephen Thomas, Ste. Genevieve, which was adopted.

Senator Stouffer offered Senate Resolution No. 967, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Thorp, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 968, regarding Roben Hamby, which was adopted.

Senator Stouffer offered Senate Resolution No. 969, regarding Deborah Posch, which was adopted.

Senator Stouffer offered Senate Resolution No. 970, regarding Karen Hessel, which was adopted.

Senator Stouffer offered Senate Resolution No. 971, regarding Cindy O'Brien, which was adopted.

Senator Stouffer offered Senate Resolution No. 972, regarding Diana Lightfoot, which was adopted.

Senator Stouffer offered Senate Resolution No. 973, regarding Gayle Neff, which was adopted.

Senator Stouffer offered Senate Resolution No. 974, regarding Suann Cole, which was adopted.

Senator Stouffer offered Senate Resolution No. 975, regarding Georgia Varner, which was adopted.

Senator Engler offered Senate Resolution No. 976, regarding Christine M. Mabery, which was adopted.

Senator Nodler offered Senate Resolution No. 977, regarding Bill and Jane Lant, Seneca, which was adopted.

Senator Green offered Senate Resolution No. 978, regarding Cameron Michael Leidl, which was adopted.

Senator Green offered Senate Resolution No. 979, regarding the death of Wilbert Lee Mosby, Saint Louis, which was adopted.

Senator Pearce offered Senate Resolution No. 980, regarding the 2008-2009 University of Central Missouri men's basketball program, Warrensburg, which was adopted.

Senator Stouffer offered Senate Resolution No. 981, regarding Olivia Butler, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 982, regarding Gary Converse, which was adopted.

Senator Stouffer offered Senate Resolution No. 983, regarding William Dooley, which was adopted.

Senator Stouffer offered Senate Resolution No. 984, regarding Cynthia Urbanski, which was adopted.

Senator Shoemyer offered Senate Resolution No. 985, regarding Tristen Hilpert and the Sixth Grade Class at Scotland R-I Elementary School, Memphis, which was adopted.

Senator Engler offered Senate Resolution No. 986, regarding the One Hundredth Anniversary of the First Baptist Church, Viburnum, which was adopted.

Senator Engler offered Senate Resolution No. 987, regarding Diana K. Smith, which was adopted.

### **HOUSE BILLS ON THIRD READING**

At the request of Senator Pearce, **HB 239**, with **SCS**, was placed on the Informal Calendar.

**HB 842**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 914**, entitled:

An Act to repeal section 361.340, RSMo, and to enact in lieu thereof one new section relating to the powers of the director of finance, with an emergency clause.

Was taken up by Senator Scott.

On motion of Senator Scott, **HCS** for **HB 914** was read the 3rd time and passed by the following vote:

#### **YEAS—Senators**

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Wilson—29			

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators

Bartle                Ridgeway    Vogel                Wright-Jones—4

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Wilson—29			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators

Bartle                Ridgeway    Vogel                Wright-Jones—4

Vacancies—None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 709** was placed on the Informal Calendar.

**HCS** for **HB 306**, entitled:

An Act to repeal section 67.1177, RSMo, and to enact in lieu thereof one new section relating to certain hotel and motel taxes.

Was taken up by Senator Purgason.

On motion of Senator Purgason, **HCS** for **HB 306** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle                Ridgeway        Vogel                Wright-Jones—4

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 257**, with **SCS**, introduced by Representative Schieffer, entitled:

An Act to repeal section 48.030, RSMo, and to enact in lieu thereof one new section relating to counties changing classification.

Was taken up by Senator Rupp.

**SCS** for **HB 257**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 257

An Act to repeal section 48.030, RSMo, and to enact in lieu thereof one new section relating to counties changing classification.

Was taken up.

Senator Rupp moved that **SCS** for **HB 257** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **HB 257** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle                Ridgeway        Vogel                Wright-Jones—4

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **REFERRALS**

President Pro Tem Shields referred **HB 65** and **HCS** for **HB 82**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 481**, entitled:

An Act to repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to the exclusion of punitive and exemplary damages in certain claims against public entities or their officers or employees in certain circumstances.

Was taken up by Senator Lembke.

At the request of Senator Lembke, **HCS** for **HB 481** was placed on the Informal Calendar.

**HCS** for **HB 247**, with **SCS**, entitled:

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to the nursing student loan program.

Was taken up by Senator Clemens.

**SCS** for **HCS** for **HB 247**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 247**

An Act to repeal sections 334.104 and 335.212, RSMo, and to enact in lieu thereof two new sections relating to nursing.

Was taken up.

Senator Clemens moved that **SCS** for **HCS** for **HB 247** be adopted.

Senator Clemens offered **SS** for **SCS** for **HCS** for **HB 247**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 247**

An Act to repeal sections 334.104 and 335.212, RSMo, and to enact in lieu thereof two new sections relating to nursing.

Senator Clemens moved that **SS** for **SCS** for **HCS** for **HB 247** be adopted.

Senator Justus offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 247, Page 10, Section 335.212, Line 16 of said page, by adding after all of said section the following:

**“Section 1. Notwithstanding any provision of law to the contrary, prior to the coordinating board for higher education, through the department of higher education, issuing a certificate of approval as defined in section 173.600, RSMo, to a medical school organized as a for-profit corporation, the board shall submit a study to the general assembly examining the need for medical schools in the state and the impact to the state of certifying medical schools organized as a for-profit corporation. The board shall not issue such certificates of approval under this section until such time as the general assembly receives the study and after passage of a concurrent resolution by the general assembly authorizing the board to issue such certificates of approval.”.**

and further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Bray offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 247, Page 1, Section A, Line 3, by inserting immediately after said line the following:

**“197.296. 1. Beginning January 1, 2010, every hospital licensed under this chapter shall compile and post daily in the patient care area of each unit of the hospital, and provide upon request to a member of the public, information detailing for each unit and for the end of the prevailing shift, as appropriate:**

**(1) The number of registered professional nurses providing direct patient care and the ratio of registered professional nurses to patients;**

**(2) The number of licensed practical nurses providing direct patient care and the ratio of licensed practical nurses to patients;**

**(3) The number of certified nurse aides providing direct patient care and the ratio of certified nurse aides to patients;**

**(4) The methods used by the hospital for determining and adjusting direct patient care staffing levels.**

**2. The information posted under this section shall be displayed in a manner that is visible and accessible to all patients, their families, and caregivers in the hospital, as determined by rule of the department of health and senior services and subject to the applicable requirements of federal law.**

**3. A hospital shall report the information compiled under this section to the department of health and senior services on a monthly basis, on a form and in a manner prescribed by the department. The department shall make such information available to the public on a quarterly basis, accompanied by a written explanation, which the department shall prepare, to assist members of the public in interpreting the information reported under this section.**

**4. Any hospital that fails to comply with the provisions of this section, or any rules promulgated thereto, shall be subject to licensure sanction.**



**5. The department of health and senior services shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and**  
Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Clemens moved that **SS** for **SCS** for **HCS** for **HB 247** be adopted, which motion prevailed.

On motion of Senator Clemens, **SS** for **SCS** for **HCS** for **HB 247** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

At the request of Senator Dempsey, **HB 229**, with **SCS**, was placed on the Informal Calendar.

Senator Schmitt assumed the Chair.

**HCS** for **HB 177** and **HCS** for **HB 622**, with **SCS**, entitled respectively:

An Act to repeal section 566.226, RSMo, and to enact in lieu thereof one new section relating to court records for sexual offenses.

An Act to repeal section 566.226, RSMo, and to enact in lieu thereof one new section relating to redaction of identifying information in court records.

Were taken up by Senator Bartle.

**SCS for HCS for HB 177 and HCS for HB 622**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 177  
and  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 622

An Act to repeal section 566.226, RSMo, and to enact in lieu thereof one new section relating to court records for sexual offenses.

Was taken up.

Senator Bartle moved that **SCS for HCS for HB 177 and HCS for HB 622** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS for HCS for HB 177 and HCS for HB 622** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

At the request of Senator Lembke, **HCS for HJR 10** was placed on the Informal Calendar.

**HCS for HB 427**, with **SCS**, entitled:

An Act to repeal sections 42.007, 173.234, 301.451, and 452.412, RSMo, and to enact in lieu thereof seven new sections relating to members of the military and their families.

Was taken up by Senator Pearce.

**SCS for HCS for HB 427**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 427

An Act to repeal sections 41.150, 42.007, 173.234, 301.451, and 452.412, RSMo, and to enact in lieu thereof twelve new sections relating to members of the military and their families.

Was taken up.

Senator Pearce moved that **SCS** for **HCS** for **HB 427** be adopted.

Senator Scott offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 427, Pages 4-5, Section 115.278, by deleting said section; and further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 427, Page 2, Section 42.007, Lines 7-15, by striking all of the underlined words on said lines; and further amend line 22 by striking the opening and closing brackets on said line; and

Further amend said section, page 3, lines 26-27, by striking all of the underlined words on said lines.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Cunningham offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 427, Page 2, Section 42.007, Line 12, by inserting immediately after the word “leader” the following: “, **and in appointing such members, preference shall be given to current or former members of the military and their spouses, parents, and children**”.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 427, Page 16, Section 452.412, Line 27, by inserting after all of said line the following:

**“Section 1. The state highways and transportation commission shall erect signs commemorating the Korean War at every state road or state highway that crosses or intersects the thirty-eighth parallel.”; and**

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Engler offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 427, Page 14, Section 301.451, Line 24, by inserting after said line the following:

**“301.3157. 1. Any person who has been awarded the military service award known as the “Armed Forces Expeditionary Medal” may apply for Armed Forces Expeditionary Medal motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.**

**2. Any such person shall make application for Armed Forces Expeditionary Medal license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Armed Forces Expeditionary Medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words “ARMED FORCES EXPEDITIONARY MEDAL” in place of the words “SHOW-ME STATE”. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also be inscribed with the words “expeditionary service” and bear a reproduction of the armed forces expeditionary service ribbon.**

**3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Armed Forces Expeditionary Medal license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.”; and**

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Pearce moved that **SCS** for **HCS** for **HB 427**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **HCS** for **HB 427**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senator Wright-Jones—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 488**, with **SCS**, introduced by Representative Schad, et al, entitled:

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to school accreditation.

Was taken up by Senator Pearce.

**SCS** for **HB 488**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 488

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to school accreditation.

Was taken up.

Senator Pearce moved that **SCS** for **HB 488** be adopted.

Senator Wilson offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 488, Page 3, Section 162.081, Lines 76-90, by striking all of said lines; and

Further amend said bill and section, page 4, lines 91-97, by striking all of said lines and inserting in lieu thereof the following:

**“9. During the legislative interim between the first regular session of the ninety-fifth general assembly through January 29, 2010, of the second regular session of the ninety-fifth general assembly, the joint committee on education shall study the issue of governance in any urban school district in the state of Missouri. In studying this issue, the joint committee may solicit input and information necessary to fulfill its obligation, including but not limited to soliciting input and information from any state department, state agency, school district, political subdivisions of the state, teachers, administrators, school board members, all interested parties concerned about governance within urban school districts, and the general public. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the general assembly by January 29, 2010.”.**

Senator Wilson moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 488, Page 4, Section 162.081, Line 101, by inserting after said line the following:

“171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033.

2. Each local school district [may] **shall** set its opening date each year, which date shall be [no earlier than] **at least fourteen calendar days after notification of parents as to the determination of students' eligibility for public school choice options pursuant to the federal No Child Left Behind Act and regulations promulgated thereunder but no earlier than** ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section. **A school district that sets its opening date more than ten days prior to the first Monday in September as provided in subsection 3 of this section shall still comply with the fourteen day notification period described in this subsection.**

3. A district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031, RSMo, for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

7. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for House Bill No. 488, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to unaccredited school districts.”; and

Further amend said bill, page 4, section 162.081, line 101, by inserting after all of said line the following:

**“162.1153. 1. In order to attract and retain teachers with demonstrable or measurable qualities, experience, or credentials in the areas of math, science, special education, and English as a second language, any school district classified as unaccredited by the state board of education shall provide, subject to appropriation, an increased starting salary for teachers that work in the areas of math, science, special education, and English as a second language. Such increase shall be between three thousand dollars and five thousand dollars more than the starting salary for a teacher in the district, as determined by the district.**

**2. Salary increases provided by this section shall be paid from the “Unaccredited School District Improvement Fund” which is hereby created as a special trust fund in the state treasury. Moneys in the fund shall consist of any grant, gift, or contribution from any and all public and private sources whatsoever that is designated for such purpose, including funds appropriated from the general revenue fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. The department of elementary and secondary education shall administer the fund and shall ensure that money in the fund is used only for the salaries of teachers subject to the provisions of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and**

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Cunningham, Engler and Ridgeway.

**SA 3** was adopted by the following vote:

**YEAS—Senators**

Bartle	Clemens	Crowell	Cunningham	Dempsey	Engler	Green	Griesheimer
Lembke	Mayer	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Smith	Stouffer—18						

**NAYS—Senators**

Barnitz	Bray	Callahan	Champion	Days	Goodman	Justus	Lager
McKenna	Nodler	Pearce	Shields	Shoemyer	Vogel	Wilson—15	

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—None

At the request of Senator Pearce, **HB 488**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Callahan moved that **HB 103**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Callahan, **SS** for **SCS** for **HB 103** was withdrawn.

Senator Callahan offered **SS No. 2** for **SCS** for **HB 103**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 103

An Act to repeal sections 44.090, 174.700, 190.092, and 701.355, RSMo, and to enact in lieu thereof five new sections relating to public safety, with an expiration date for a certain section.

Senator Callahan moved that **SS No. 2** for **SCS** for **HB 103** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 103, Page 8, Section 190.092, Line 10, by inserting after all of said line the following:

“306.903. 1. Any person who abandons a boat dock and permits it to float freely without being moored upon lakes having at least nine hundred fifty miles of aggregate shoreline is guilty of an infraction, the penalty for which shall be a fine of not less than twenty-five dollars or more than one hundred dollars.

2. Any person who abandons a boat dock shall be responsible for the retrieval and disposal of such boat dock. Any person who violates subsection 1 of this section and who does not properly retrieve and dispose of such abandoned boat dock shall, upon a plea of guilty or a finding of guilt for such an offense, be ordered to reimburse the appropriate law enforcement agency, including the state water patrol, for the costs associated with the retrieval and disposal of the abandoned boat dock. The law enforcement agency may establish a schedule of such costs. However, the court may reduce the costs if it determines that the costs are excessive.

3. The state water patrol may accept gifts, grants, in-kind services and appropriations, and may enter into contracts with private or public entities for the enforcement and administration of this section.

4. Beginning January 1, [1996] **2010**, any person owning a boat dock on lakes having at least nine hundred fifty miles of shoreline **and lakes constructed or maintained by the United States Army Corps of Engineers except bodies of water owned by a person, corporation, association, partnership, municipality or other political subdivision, public water supply impoundments, and except drainage ditches construction by a drainage district, but not to include any body of water which has been leased to or owned by the state department of conservation** shall display identifying information on the dock, including but not limited to, a permit number issued to the owner by an entity having authority to issue such identification or permit number **and the appropriate “911” address or in the absence of a “911” system, the physical address nearest to the dock by land.** Any person owning a boat dock on lakes having at least nine hundred fifty miles of aggregate shoreline who violates this subsection may be guilty of an infraction, the penalty for which shall not exceed twenty-five dollars.”; and



Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Callahan moved that **SS No. 2** for **SCS** for **HB 103**, as amended, be adopted, which motion prevailed.

On motion of Senator Callahan, **SS No. 2** for **SCS** for **HB 103**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

April 24, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Paula E. Clay, 410 Brewer Drive, Columbia, Boone County, Missouri 65203, as a member of the Children's Trust Fund Board, for a term ending September 15, 2009, and until her successor is duly appointed and qualified; vice, Christy Garnett, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 24, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Marc H. Ellinger, Republican, 751 Turnberry Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees, for a term ending July 15, 2011, and until his successor is duly appointed and qualified; vice, Susan Wendleton, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 24, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Debra A. Hollingsworth, Independent, 674 Carman Meadows Drive, Manchester, Saint Louis County, Missouri 63021, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2014, and until her successor is duly appointed and qualified; vice, Debra A. Hollingsworth, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 24, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Julie L. Kempker, Democrat, 12923 Eagle Ridge Road, Holts Summit, Callaway County, Missouri 65403, as a member of the Board of Probation and Parole, for a term ending April 25, 2015, and until her successor is duly appointed and qualified; vice, Robert Robinson, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 24, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Samuel D. Leake, Democrat, 41690 Harrison Trail, Perry, Ralls County, Missouri 63462, as a member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2012, and until his successor is duly appointed and qualified; vice, Kristin Perry, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City  
65102

April 24, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rebeka R. McIntosh, 4015 South Forest Avenue, Independence, Jackson County, Missouri 64052, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2012, and until her successor is duly appointed and qualified; vice, Maria I. Gomez, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 657**, entitled:

An Act to repeal section 306.903, RSMo, and to enact in lieu thereof one new section relating to waterways, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 64** and **545**, entitled:

An Act to repeal sections 143.011, 143.021, 143.161, and 143.171, RSMo, and to enact in lieu thereof four new sections relating to income taxation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 15**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 6 of

article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to property tax exemption.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 17**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the budget reserve fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 11**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to pray.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 958**, entitled:

An Act to repeal sections 32.105, 32.115, 52.230, 67.2000, 135.327, 135.484, 135.535, 135.562, 135.680, 137.016, 137.073, 137.080, 138.431, 142.800, 143.161, 143.183, 144.030, 144.080, 148.064, 148.657, and 208.770, RSMo, and to enact in lieu thereof thirty new sections relating to taxes, with a penalty provision and an emergency clause for certain sections.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS** for **HB 426**—Agriculture, Food Production and Outdoor Resources.

**HCS** for **HB 384**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HB 577**—Small Business, Insurance and Industry.

**HCS** for **HB 316**—General Laws.

**HCS for HB 631**—Education.

**HB 156**—Health, Mental Health, Seniors and Families.

**HCS for HB 390**—Education.

**HCS for HB 883**—Financial and Governmental Organizations and Elections.

**HCS for HBs 978 and 1028**—Governmental Accountability and Fiscal Oversight.

**HCS for HBs 915 and 923**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 1075**—Small Business, Insurance and Industry.

**HCS for HB 228**—General Laws.

### INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Linda Uselmann, her daughter, Julia and members of Webb City High School Republican Club, Seth Walker, Seth Clement, Brittany Wells, Ethan Severance, Eric Bone, Crystal Wagner and Nick Carter.

Senator Scott introduced to the Senate, Kayla Dowling, Lerin Rason, Rachelle Stacey, Reagan Bowers, Lacey Smallwood, members of Lincoln Royalty 2008, and Glen and Cathy Nelson, Lincoln.

On motion of Senator Engler, the Senate adjourned under the rules.

### SENATE CALENDAR

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SIXTIETH DAY—TUESDAY, APRIL 28, 2009

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### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HBs 568 & 534

HCS for HB 657

HCS for HBs 64 & 545

HJR 15-Chappelle-Nadal, et al

HJR 17-Nasheed

HJR 11-McGhee, et al

HCS for HB 958

#### THIRD READING OF SENATE BILLS

SS for SCS for SB 558-Mayer (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

SB 569-Lembke, with SCS

HOUSE BILLS ON THIRD READING

- |  |   |
|--|---|
| 1. HB 65-Wilson (119), et al<br>(In Fiscal Oversight)        | 7. HCS for HBs 128 & 340 (Scott)                    |
| 2. HCS for HB 82, with SCS (Pearce)<br>(In Fiscal Oversight) | 8. HB 544-Smith (150), et al, with SCS<br>(Goodman) |
| 3. HB 659-Dusenberg, et al, with SCS<br>(Bartle)             | 9. HCS for HB 844 (Green)                           |
| 4. HCS for HB 89 (Wilson)                                    | 10. HCS for HB 495, with SCS<br>(Griesheimer)       |
| 5. HB 253-Davis, et al (Stouffer)                            | 11. HB 132-Fallert, et al (McKenna)                 |
| 6. HB 683-Schieffer, et al, with SCS<br>(Stouffer)           | 12. HCS for HB 205, with SCS (Goodman)              |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 7-Griesheimer, with SS (pending)  | SB 254-Barnitz, with SS (pending)   |
| SB 18-Bray, et al, with SCS & SS for SCS<br>(pending)  | SBs 261, 159, 180 & 181-Bartle and<br>Goodman, with SCS & SS#3 for SCS<br>(pending) |
| SB 29-Stouffer   | SB 264-Mayer  |
| SBs 45, 212, 136, 278, 279, 285 &<br>288-Pearce and Smith, with SCS &<br>SS#3 for SCS (pending)      | SB 267-Mayer and Green, with SA 1<br>(pending)                                      |
| SB 57-Stouffer, with SCS & SA 1 (pending)  | SB 284-Lembke, et al, with SA 1 (pending)   |
| SB 72-Stouffer, with SCS   | SB 299-Griesheimer, with SCS & SS for<br>SCS (pending)                              |
| SB 94-Justus, et al, with SCS & SS for<br>SCS (pending)  | SB 321-Days, et al, with SCS (pending)  |
| SB 174-Griesheimer and Goodman, with<br>SCS, SS#2 for SCS & SA 2 (pending)                           | SB 364-Clemens and Schaefer   |
| SCS for SB 189-Shields   | SB 409-Stouffer, with SCS (pending)   |
| SBs 223 & 226-Goodman and Nodler, with<br>SCS & SA 1 (pending)                                       | SB 477-Wright-Jones, with SS (pending)  |
| SB 228-Scott, with SCS, SS for SCS, SA 12,<br>SSA 1 for SA 12 & SA 1 to SSA 1<br>for SA 12 (pending) | SB 527-Nodler and Bray  |
| SB 236-Lembke  | SB 555-Lager, with SCS, SS for SCS &<br>SA 2 (pending)                              |
|  | SB 572-Dempsey and Justus   |
|  | SJR 12-Scott, with SCS (pending)  |

HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| SS for HCS for HB 154 (Shields)<br>(In Fiscal Oversight) | HCS for HB 191, with SCS & SS for SCS<br>(pending) (Griesheimer) |
|--|--|

HB 229-Ervin, with SCS (Dempsey)  
 HB 239-Jones (89), et al, with SCS  
 (Pearce)  
 HB 287-Day, et al, with SS (pending)  
 (Mayer)  
 SS for SCS for HB 376-Hobbs, et al  
 (Griesheimer) (In Fiscal Oversight)

HCS for HB 481 (Lembke)  
 HB 488-Schad, et al, with SCS (pending)  
 (Pearce)  
 HB 709-Dusenberger, et al (Bartle)  
 HB 842-Wood, with SCS (Goodman)  
 HCS for HJR 10 (Lembke)

## CONSENT CALENDAR

### House Bills

#### Reported 4/9

HCS for HB 251 (Clemens)  
 HB 210-Deeken (Crowell)  
 HB 400-Nasheed, et al (Smith)

HB 593-Viebrock (Crowell)  
 HB 678-Wasson (Goodman)  
 HB 537-Dixon, et al (Wright-Jones)

#### Reported 4/14

HB 83-Wood, with SCS (Goodman)  
 HCS for HB 124 (McKenna)  
 HB 282-Stevenson, et al (Nodler)  
 HB 652-Pratt (Bartle)

HB 698-Zimmerman, et al (Schmitt)  
 HCS for HB 895 (Stouffer)  
 HB 918-Kelly (Schaefer)  
 HB 919-Ruestman, et al (Goodman)

#### Reported 4/15

HCS for HB 525 (Schmitt)  
 HCS for HB 231 (Rupp)  
 HB 826-Brown (149), et al (Lembke)  
 HCS for HB 685 (Goodman)  
 HB 811-Wasson (Scott)  
 HCS for HB 273 (Scott)  
 HCS for HB 485 (Mayer)

HB 859-Dieckhaus, et al (Griesheimer)  
 HB 283-Wood, with SCS (Goodman)  
 HCS for HBs 234 & 493 (Shoemyer)  
 HB 289-Wallace (Mayer)  
 HB 373-Wallace, with SCS (Mayer)  
 HB 490-Schad, et al (Pearce)  
 HB 682-Swinger, et al (Mayer)

## BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

### In Conference

HCS for HB 2, with SS for SCS (Nodler)

HCS for HB 3, with SS for SCS (Nodler)

HCS for HB 4, with SCS (Nodler)  
HCS for HB 5, with SCS (Nodler)  
HCS for HB 6, with SCS (Nodler)  
HCS for HB 7, with SCS (Nodler)  
HCS for HB 8, with SCS (Nodler)

HCS for HB 9, with SCS (Nodler)  
HCS for HB 10, with SCS (Nodler)  
HCS for HB 11, with SCS (Nodler)  
HCS for HB 12, with SCS (Nodler)  
HB 13-Icet, with SCS (Nodler)

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

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# Journal of the Senate

FIRST REGULAR SESSION

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**SIXTIETH DAY—TUESDAY, APRIL 28, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Learn to humble yourself, you are but earth and clay.” (Thomas á Kempis)

Lord, we know that sometimes we get carried away with ourselves and need to remember that we are Your children brought here to serve Your people and be of help to those who need help. We are challenged every day to do our best and pray for Your love and guidance to accomplish that which is required of us. So please continue to be a very present help to each of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Green offered Senate Resolution No. 988, regarding Roger E. Poole, St. Louis, which was adopted.

Senator Cunningham offered Senate Resolution No. 989, regarding T.R. Carr, Hazelwood, which was adopted.

Senators McKenna and Goodman offered Senate Resolution No. 990, regarding Lee Clear, Chesterfield, which was adopted.

Senators McKenna and Goodman offered Senate Resolution No. 991, regarding Jim Divincen, Osage Beach, which was adopted.

Senator McKenna offered Senate Resolution No. 992, regarding Megan Kraus, Barnhart, which was adopted.

Senator McKenna offered Senate Resolution No. 993, regarding the National Junior Honor Society, Ridgewood Middle School, Arnold, which was adopted.

Senator Scott offered Senate Resolution No. 994, regarding the Family, Career and Community Leaders of America program, Bolivar High School, Polk County, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 995, regarding Carol Beasley, Euclid, Ohio, which was adopted.

Senator Rupp offered Senate Resolution No. 996, regarding Adam Michael Mikulus, St. Peters, which was adopted.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 2**. Representatives: Icet, Stream, Sater, Kelly and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 3**. Representatives: Icet, Stream, Sater, Kelly and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 4**. Representatives: Icet, Stream, Sater, Kelly and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 5**. Representatives: Icet, Stream, Sater, Kelly and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 6**. Representatives: Icet, Stream, Sater, Kelly and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 7**. Representatives: Icet, Stream, Sater, Kelly and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 8**. Representatives: Icet, Stream, Sater, Kelly and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 9**. Representatives: Icet, Stream, Sater, Kelly and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 10**. Representatives: Icet, Stream, Sater, Kelly and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 11**. Representatives: Icet, Stream, Sater, Kelly and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 12**. Representatives: Icet, Stream, Sater, Kelly and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HB 13**. Representatives: Icet, Stream, Sater, Kelly and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 91** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

refuses to adopt **SCS** for **HB 269**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 265** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 397** and **HCS** for **HB 947** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS No. 2** for **HCS** for **HB 148** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 242**, entitled:

An Act to repeal section 204.569, RSMo, and to enact in lieu thereof two new sections relating to sewer districts, with an emergency clause for a certain section.

With House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242, Page 1, Section 204.363, Line 10, by inserting after the word “district”, the following:

**“and no city of the third classification that imposes a storm water usage fee based on the runoff rate of storm water on impervious surfaces shall impose such user fee on property owned by any church, public school nonprofit organization, or political subdivision”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242, Section 204.363 by removing all of said Section from the bill and inserting in lieu thereof the following:

**“204.363. No person who owns real property that is used for residential purposes within the boundaries of any district created under section 30 of article VI of the Missouri Constitution shall be assessed any fee, charge, or tax for storm water management services if the district does not directly provide sanitary sewer services to such property and if the storm water runoff from such person's property does not flow, or is not otherwise conveyed, to a sewer maintained by such district.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

### HOUSE BILLS ON THIRD READING

At the request of Senator Bartle, **HB 659**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 89**, entitled:

An Act to repeal section 300.390 and 577.060, RSMo, and to enact in lieu thereof two new sections relating to traffic violations, with a penalty provision.

Was taken up by Senator Wilson.

On motion of Senator Wilson, **HCS** for **HB 89** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Schaefer
Schmitt	Shields	Shoemyer	Stouffer	Wilson—29			

#### NAYS—Senators—None

#### Absent—Senators

Rupp	Scott	Smith	Vogel	Wright-Jones—5
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#### Absent with leave—Senators—None

#### Vacancies—None

The President declared the bill passed.

On motion of Senator Wilson, title to the bill was agreed to.

Senator Wilson moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 253**, introduced by Representative Davis, et al, entitled:

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to motorcycle headlight modulators.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **HB 253** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Wilson—30		

NAYS—Senators—None

Absent—Senators

Scott                Smith                Vogel                Wright-Jones—4

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

At the request of Senator Stouffer, **HB 683**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HBs 128** and **340**, entitled:

An Act to repeal section 9.020, RSMo, and to enact in lieu thereof two new sections relating to holidays.

Was taken up by Senator Scott.

Senator Rupp assumed the Chair.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 128 and 340, Page 1, Section 9.020, Line 4, by inserting at the end of said line the following:

**“September 28, 2009, September 18, 2010, October 8, 2011, September 26, 2012, September 14, 2013, October 4, 2014, September 23, 2015, October 12, 2016, and September 30, 2017 shall be known as “Yom Kippur”.”.**

Senator Bray moved that the above amendment be adopted.

At the request of Senator Scott, **HCS** for **HBs 128** and **340**, with **SA 1** (pending), was placed on the Informal Calendar.

**HB 544**, with **SCS**, introduced by Representative Smith (150), et al, entitled:

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to Missouri accountability portal.

Was taken up by Senator Goodman.

**SCS** for **HB 544**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 544

An Act to amend chapters 33 and 37, RSMo, by adding thereto two new sections relating to the oversight of public funds.

Was taken up.

Senator Goodman moved that **SCS** for **HB 544** be adopted.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 544, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“8.016. The commissioner of the office of administration shall provide each member of the senate and each member of the house with a key that accesses the dome of the state capitol.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 544, Page 4, Section 37.850, Line 12, by inserting the following after the number “4.” on said line:

**“For purposes of this section, the Missouri State Employees’ Retirement System shall be considered a “state program.” The Missouri State Employees’ Retirement System shall provide to the commissioner of administration daily access to its financial transactions to enable the commissioner to maintain such information on the accountability portal in the same manner as other state programs.**

**5.”.**

Senator Shoemyer moved that the above amendment be adopted, which motion failed.

Senator Callahan offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 544, Page 2, Section 33.850, Line 23, by inserting after all of said line the following:

**“(3) Determining whether the funds received from the American Recovery and Reinvestment Act, as passed by the 111th United States Congress, should be utilized to buy back a portion of the state's unredeemed tax credits at a discounted rate;”; and**

Further renumber the remaining subdivisions accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Goodman moved that **SCS** for **HB 544**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HB 544**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager

Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 844**, entitled:

An Act to repeal section 41.1000, RSMo, and to enact in lieu thereof one new section relating to the civil air patrol.

Was taken up by Senator Green.

Senator Crowell offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 844, Page 2, Section 41.1000, Line 30, by striking the words “or may become”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Green moved that **HCS for HB 844**, as amended, be 3rd read and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS—Senators

Callahan	Clemens	Days	Green	Griesheimer	Justus	Lembke	McKenna
Pearce	Rupp	Schaefer	Stouffer	Wilson	Wright-Jones—14		

NAYS—Senators

Barnitz	Bartle	Bray	Crowell	Cunningham	Dempsey	Engler	Goodman
Lager	Mayer	Nodler	Purgason	Ridgeway	Schmitt	Scott	Shields
Shoemyer		Vogel—18					

Absent—Senators

Champion      Smith—2

Absent with leave—Senators—None



Vacancies—None

### **PRIVILEGED MOTIONS**

Senator Purgason moved that the Senate refuse to recede from its position on **SCS** for **HB 91**, and grant the House a conference thereon, which motion prevailed.

Senator Scott moved that the Senate refuse to recede from its position on **SCS** for **HB 269**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Crowell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 265**, and grant the House a conference thereon, which motion prevailed.

Senator Ridgeway moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 397** and **HCS** for **HB 947**, and grant the House a conference thereon, which motion prevailed.

Senator Griesheimer moved that the Senate refuse to recede from its position on **SCS No. 2** for **HCS** for **HB 148**, and grant the House a conference thereon, which motion prevailed.

Senator Pearce moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 242**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 740**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCR 16**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 13**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 27**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Rupp assumed the Chair.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 526**.

With House Amendments 1, 2, 3 and 4.

#### HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 526, Section A, Page 1, Line 3, by inserting immediately after said line the following:

“265.525. 1. This section shall be known as the “Missouri Rice Certification Act”.

2. As used in this section, the following terms shall mean:

(1) “Characteristics of commercial impact”, characteristics determined by the rice advisory council under subsection 7 of this section that may adversely affect the marketability of rice in the event of commingling with other rice and may include, but are not limited to, those characteristics that cannot be visually identified without the aid of specialized equipment or testing, those characteristics that create a significant economic impact in their removal from commingled rice, and those characteristics whose removal from commingled rice is infeasible;

(2) “Council”, the rice advisory council established in this section;

(3) “Department”, the department of agriculture;

(4) “Director”, the director of the department of agriculture;

(5) “End user”, any company or corporation, **not to include a producer**, that [uses rice as a major ingredient in industrial food processing] **is a major industrial user of rice in food processing**;

(6) “Handler”, any person, **not to include a producer**, engaged in this state in the business of **buying** marketing, **drying, milling, or warehousing** rice, [including persons engaged in the drying, milling, or storing of rice];

(7) “Person”, any individual, partnership, limited liability company, limited liability partnership, corporation, firm, company, or any other entity doing business in Missouri;

(8) “Producer”, any person who produces, or causes to be produced, rice;

(9) “Rice”, all rough or paddy rice or brown rice (*Oryza* species) produced in or shipped in Missouri, including rice produced for seed. It does not include wild rice (*Zizania aquatic* or *Zizania palustris*).

3. Except as provided by rules promulgated by the department, it shall be unlawful for any person to introduce, sell, plant, produce, harvest, transport, store, process, or otherwise handle rice identified as having characteristics of commercial impact.

4. There is hereby created within the department of agriculture the “Rice Advisory Council”. The council shall be made up of the following ten members:

(1) The director, or his or her designee;

(2) Three members appointed by the director to include:

(a) An individual [representing handlers] **employed by or as a handler** in Missouri;

(b) An individual [representing end users] **employed as or by an end user**;

(c) An individual representing the biotechnology industry who is familiar with rice genetics;

(3) Six members appointed by the director as recommended by the Missouri Rice Research and Merchandising Council to include:

(a) Two producers, neither of whom shall be employed by or serve on the board of any rice mill or rice merchandiser;

(b) Two scientists employed by institutes of higher education in Missouri;

(c) A representative of rice mills operating in Missouri; and

(d) A representative of rice seed dealers.

5. Members of the council shall serve terms of three years in length except that the director shall be a permanent member of the council and the director shall stagger the terms of the initial appointments so that three members serve terms of two years, three members serve terms of three years, and three members serve terms of four years. There is no limit to the number of terms a member may serve. Vacancies shall be filled in the same manner of representation as the original appointments.

6. The rice advisory council shall meet no less than twice annually as determined by the chairperson of the council, who shall be elected by the council at its first meeting and once every calendar year thereafter. Members of the council shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

7. The powers and duties of the rice advisory council shall include, but not be limited to, all of the following:

(1) Identifying rice varieties that have characteristics of commercial impact;

(2) Reviewing the efficacy of terms and conditions of identity preservation programs imposed on the planting, producing, harvesting, transporting, drying, storing, testing, or otherwise handling of rice identified using the most current industry standards and generally accepted scientific principles;

(3) Reviewing each rice variety identified as having characteristics of commercial impact not less often than every two years, or upon receipt of a petition from the purveyor of the rice;

(4) Making recommendations to the director on all matters pertaining to this section, including, but not limited to, enforcement of this section.

8. The department shall have the power to:

(1) Maintain the integrity and prevent the contamination of rice which has not been identified as having characteristics of commercial impact;

(2) Prevent the introduction of disease, weeds, or other pests that would adversely affect rice which has not been identified as having characteristics of commercial impact;

(3) Require that persons selling, offering for sale, or otherwise distributing seed for the production of rice identified as having characteristics of commercial impact, or that persons bringing rice identified as having characteristics of commercial impact into the state for processing, notify the department of the location of planting sites and the dates and procedures for planting, producing, harvesting, transporting, drying, storing, testing, or otherwise handling of rice identified as having characteristics of commercial impact;

(4) Require that persons receiving rice having been identified as having characteristics of commercial impact produced outside the state for processing notify the department of the location of the receipt and the procedures for processing, transporting, drying, storing, testing, or otherwise handling the rice to prevent commercial impact to other rice and the spread of weeds, disease, or other pests;

(5) Enforce restrictions and prohibitions imposed by the department on the selling, planting, producing, harvesting, transporting, drying, storing, testing, processing, or otherwise handling of rice identified as having characteristics of commercial impact; and

(6) Investigate alleged violations of this section, issue notices of violation, provide for an appeals process for persons aggrieved by the provisions of this section, and impose penalties for violation of this section.

9. The department may establish and collect reasonable fees for any sampling and testing of rice that the department determines is necessary to implement the provisions of this section. Any such fees shall be reviewed by the rice advisory council.

10. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

11. The department shall regularly report to the rice advisory council any findings of rice varieties that could potentially have characteristics of commercial impact.

12. If the rice advisory council determines that any rice variety with characteristics of commercial impact is documented as causing unreasonable adverse effects on the environment or public health, the council may issue recommendations to the department. Within sixty days of receiving any such recommendations from the council, the department shall hold a public hearing for the purpose of determining the nature and extent of commercial impact. Within thirty days of holding any such public hearing, the department shall issue a detailed opinion in response to the council recommendations.

13. The penalty for violating a provision of this section shall be no less than ten thousand dollars nor more than one hundred thousand dollars per day per violation.

14. If the department determines a person has violated any provision of this section, the department shall provide written notice to such person informing the person of the violation. The notice shall inform the person of the right to request an appeal. Nothing in this section shall prevent a person from seeking judicial relief in a court of competent jurisdiction.

15. The provisions of this section shall become effective one hundred eighty days from August 28, 2007.

16. The provisions of this section shall not be subject to the provisions of sections 610.010 to 610.200, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 526, Page 4, Section 267.600, Line 19 by inserting after said line the following:

**“267.800. Interstate and intrastate movement of animals pursuant to the health and management of privately owned domestic captive cervids within the state of Missouri shall be under the jurisdiction and control of the Missouri department of agriculture. Any costs associated with inspections by the department under this section shall be at the expense of the owner of the cervids.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 526, Page 4, Section 267.600, Line 19, by inserting after all of said line the following:

**“Section 1. The department of agriculture shall not retain, contract, or otherwise use the services or personnel of any nonprofit organization for the purpose of inspection or licensing of any animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, or for any purpose regarding the administration of sections 273.325 to 273.357, RSMo. No person employed, affiliated with, or who is a former or current member of a nonprofit organization organized for the purposes of promoting animal rights or welfare shall be employed or appointed as the state veterinarian's designee or animal welfare official, or otherwise be affiliated in any manner with the department of agriculture.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 526, Section A, Page 1, Line 3, by inserting after all of said line the following:

**“32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:**

- (1) The annual tax on gross premium receipts of insurance companies in chapter 148, RSMo;
- (2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030, RSMo;
- (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030, RSMo;
- (4) The tax on other financial institutions in chapter 148, RSMo;
- (5) The corporation franchise tax in chapter 147, RSMo;
- (6) The state income tax in chapter 143, RSMo; and
- (7) The annual tax on gross receipts of express companies in chapter 153, RSMo.

**2. For proposals approved pursuant to section 32.110:**

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department

of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

(a) An area that is not part of a standard metropolitan statistical area;

(b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or

(c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture.

Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460, RSMo. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125. **To the extent that as of the last day of April in any year, less than thirty million dollars in tax credits have been issued under the provisions of this section, such remaining unissued tax credits shall be made available for allocation pursuant to the provisions of section 135.704, RSMo;**

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in

affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530, RSMo, by a business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year;

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten

succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.

135.484. 1. Beginning January 1, 2000, tax credits shall be allowed pursuant to section 135.481 in an amount not to exceed sixteen million dollars per year. Of this total amount of tax credits in any given year, eight million dollars shall be set aside for projects in areas described in subdivision (6) of section 135.478 and eight million dollars for projects in areas described in subdivision (10) of section 135.478. The maximum tax credit for a project consisting of multiple-unit qualifying residences in a distressed community shall not exceed three million dollars. **To the extent that as of the first day of December in any year, less than sixteen million dollars in tax credits have been issued under the provisions of this section, such remaining unissued tax credits shall be made available for allocation under the provisions of section 135.704.**

2. Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit issued to a taxpayer by the department may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

3. The tax credits allowed pursuant to sections 135.475 to 135.487 may not be claimed in addition to any other state tax credits, with the exception of the historic structures rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, RSMo, which insofar as sections 135.475 to 135.487 are concerned may be claimed only in conjunction with the tax credit allowed pursuant to subsection 4 of section 135.481. In order for a taxpayer eligible for the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to subsection 4 of section 135.481, the taxpayer must comply with the requirements of sections 253.545 to 253.559, RSMo, and in such cases, the amount of the tax credit pursuant to subsection 4 of section 135.481 shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or forty thousand dollars.

135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, including Internet, web hosting, and other information technology, wireless or wired or other telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection



shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate North American Industry Classification System numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community.

4. A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the **next** five tax years.

5. An existing corporation, partnership or sole proprietorship that is located within a distressed community and that relocates employees from another facility outside of the distressed community to its facility within the distressed community, and an existing business located within a distressed community that hires new employees for that facility may both be eligible for the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits, such a business, during one of its tax years, shall employ within a distressed community at least twice as many employees as were employed at the beginning of that tax year. A business hiring employees shall have no more than one hundred employees before the addition of the new employees. This subsection shall only apply to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming or telecommunications business, or a professional firm.

6. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. To the extent there are available tax credits remaining under the ten million dollar cap provided in this section, [up to one hundred thousand dollars in the] **such** remaining credits shall first be used for tax credits authorized under section 135.562. **To the extent that as of the first day of December in any year, less than ten million dollars in tax credits have been issued under the provisions of this section, such remaining unissued tax credits shall be made available for allocation under the provisions of section 135.704.** The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 4 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 6 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

8. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

135.680. 1. As used in this section, the following terms shall mean:

(1) “Adjusted purchase price”, the product of:

(a) The amount paid to the issuer of a qualified equity investment for such qualified equity investment; and

(b) The following fraction:

a. The numerator shall be the dollar amount of qualified low-income community investments held by the issuer in this state as of the credit allowance date during the applicable tax year; and

b. The denominator shall be the total dollar amount of qualified low-income community investments held by the issuer in all states as of the credit allowance date during the applicable tax year;

c. For purposes of calculating the amount of qualified low-income community investments held by an issuer, an investment shall be considered held by an issuer even if the investment has been sold or repaid; provided that the issuer reinvests an amount equal to the capital returned to or recovered by the issuer from the original investment, exclusive of any profits realized, in another qualified low-income community investment within twelve months of the receipt of such capital. An issuer shall not be required to reinvest

capital returned from qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income community investment shall be considered held by the issuer through the seventh anniversary of the qualified equity investment's issuance;

(2) "Applicable percentage", zero percent for each of the first two credit allowance dates, seven percent for the third credit allowance date, and eight percent for the next four credit allowance dates;

(3) "Credit allowance date", with respect to any qualified equity investment:

(a) The date on which such investment is initially made; and

(b) Each of the six anniversary dates of such date thereafter;

(4) "Long-term debt security", any debt instrument issued by a qualified community development entity, at par value or a premium, with an original maturity date of at least seven years from the date of its issuance, with no acceleration of repayment, amortization, or prepayment features prior to its original maturity date, and with no distribution, payment, or interest features related to the profitability of the qualified community development entity or the performance of the qualified community development entity's investment portfolio. The foregoing shall in no way limit the holder's ability to accelerate payments on the debt instrument in situations where the issuer has defaulted on covenants designed to ensure compliance with this section or Section 45D of the Internal Revenue Code of 1986, as amended;

(5) "Qualified active low-income community business", the meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided that any business that derives or projects to derive fifteen percent or more of its annual revenue from the rental or sale of real estate shall not be considered to be a qualified active low-income community business;

(6) "Qualified community development entity", the meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided that such entity has entered into an allocation agreement with the Community Development Financial Institutions Fund of the U.S. Treasury Department with respect to credits authorized by Section 45D of the Internal Revenue Code of 1986, as amended, which includes the state of Missouri within the service area set forth in such allocation agreement;

(7) "Qualified equity investment", any equity investment in, or long-term debt security issued by, a qualified community development entity that:

(a) Is acquired after September 4, 2007, at its original issuance solely in exchange for cash;

(b) Has at least eighty-five percent of its cash purchase price used by the issuer to make qualified low-income community investments; and

(c) Is designated by the issuer as a qualified equity investment under this subdivision and is certified by the department of economic development as not exceeding the limitation contained in subsection 2 of this section.

This term shall include any qualified equity investment that does not meet the provisions of paragraph (a) of this subdivision if such investment was a qualified equity investment in the hands of a prior holder;

(8) "Qualified low-income community investment", any capital or equity investment in, or loan to, any qualified active low-income community business. With respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments made in such

business, on a collective basis with all of its affiliates, that may be used from the calculation of any numerator described in subparagraph a. of paragraph (b) of subdivision (1) of this subsection shall be ten million dollars whether issued to one or several qualified community development entities;

(9) “Tax credit”, a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed in sections 143.191 to 143.265, RSMo, or otherwise due under section 375.916, RSMo, or chapter 147, 148, or 153, RSMo;

(10) “Taxpayer”, any individual or entity subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed in sections 143.191 to 143.265, RSMo, or the tax imposed in section 375.916, RSMo, or chapter 147, 148, or 153, RSMo.

2. A taxpayer that makes a qualified equity investment earns a vested right to tax credits under this section. On each credit allowance date of such qualified equity investment the taxpayer, or subsequent holder of the qualified equity investment, shall be entitled to a tax credit during the taxable year including such credit allowance date. The tax credit amount shall be equal to the applicable percentage of the adjusted purchase price paid to the issuer of such qualified equity investment. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the tax credit is claimed. No tax credit claimed under this section shall be refundable or transferable. Tax credits earned by a partnership, limited liability company, S-corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders. Any amount of tax credit that the taxpayer is prohibited by this section from claiming in a taxable year may be carried forward to any of the taxpayer's five subsequent taxable years. The department of economic development shall limit the monetary amount of qualified equity investments permitted under this section to a level necessary to limit tax credit utilization at no more than fifteen million dollars of tax credits in any fiscal year. **To the extent that as of the last day of April in any year, less than fifteen million dollars in tax credits have been issued under the provisions of this section, such remaining unissued tax credits shall be made available for allocation under the provisions of section 135.704.** Such limitation on qualified equity investments shall be based on the anticipated utilization of credits without regard to the potential for taxpayers to carry forward tax credits to later tax years.

3. The issuer of the qualified equity investment shall certify to the department of economic development the anticipated dollar amount of such investments to be made in this state during the first twelve-month period following the initial credit allowance date. If on the second credit allowance date, the actual dollar amount of such investments is different than the amount estimated, the department of economic development shall adjust the credits arising on the second allowance date to account for such difference.

4. The department of economic development shall recapture the tax credit allowed under this section with respect to such qualified equity investment under this section if:

(1) Any amount of the federal tax credit available with respect to a qualified equity investment that is eligible for a tax credit under this section is recaptured under Section 45D of the Internal Revenue Code of 1986, as amended; or

(2) The issuer redeems or makes principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of such qualified equity investment.

Any tax credit that is subject to recapture shall be recaptured from the taxpayer that claimed the tax credit

on a return.

5. The department of economic development shall promulgate rules to implement the provisions of this section, including recapture provisions on a scaled proportional basis, and to administer the allocation of tax credits issued for qualified equity investments, which shall be conducted on a first-come, first-serve basis. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after September 4, 2007, shall be invalid and void.

6. For fiscal years following fiscal year 2010, qualified equity investments shall not be made under this section unless reauthorization is made pursuant to this subsection. For all fiscal years following fiscal year 2010, unless the general assembly adopts a concurrent resolution granting authority to the department of economic development to approve qualified equity investments for the Missouri new markets development program and clearly describing the amount of tax credits available for the next fiscal year, or otherwise complies with the provisions of this subsection, no qualified equity investments may be permitted to be made under this section. The amount of available tax credits contained in such a resolution shall not exceed the limitation provided under subsection 2 of this section. In any year in which the provisions of this section shall sunset pursuant to subsection 7 of this section, reauthorization shall be made by general law and not by concurrent resolution. Nothing in this subsection shall preclude a taxpayer who makes a qualified equity investment prior to the expiration of authority to make qualified equity investments from claiming tax credits relating to such qualified equity investment for each applicable credit allowance date.

7. Under section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after September 4, 2007, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

However, nothing in this subsection shall preclude a taxpayer who makes a qualified equity investment prior to sunset of this section under the provisions of section 23.253, RSMo, from claiming tax credits relating to such qualified equity investment for each credit allowance date.

**135.704. 1. As used in this section, the following terms mean:**

(1) “Authority”, the Missouri agricultural and small business development authority established in chapter 348, RSMo;

(2) “Milk producer”, any person with a valid Missouri milk producer identification number who operates a dairy farm and provides, sells, or offers milk for sale to a milk plant, receiving station, or transfer station;

(3) “Noncontrollable input cost”, feed, fertilizer, and fuel costs;

**(4) “Livestock”, any swine or beef cattle;**

**(5) “Livestock production costs”, the market value of feed commodities used in the production of livestock, including but not limited to corn and soybeans, of the type and in the quantity determined by the authority needed to bring livestock to market based on the sale weight of such livestock;**

**(6) “Market value”, the market price of any feed commodity or livestock on the date of sale;**

**(7) “Qualifying loss”, an aggregate loss from the sale of milk or livestock including any federal and state payments during a twelve-month period based on the total of all sales of milk and livestock during such twelve-month period;**

**(8) “Taxpayer”, any individual, partnership, or corporation as described in sections 143.441 and 143.471, RSMo, that is subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax imposed in chapter 147, RSMo.**

**2. For all taxable years beginning on or after January 1, 2010, any resident taxpayer who is actively engaged in business as a milk, swine, or cattle producer shall be granted a tax credit based upon the amount of milk, swine, or cattle produced and sold. The tax credit authorized under this section shall be allowed based upon production for any month in which the average amount of revenue received from products drops below the announced production price determined by the authority on the basis of noncontrollable input cost. The tax credit authorized under this section may be claimed against a taxpayer's state tax liability or quarterly estimated tax in the year of issuance. If the amount of the tax credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, the difference shall not be refundable but may be carried forward to any of the taxpayer's three subsequent taxable years. The tax credits authorized under this section may be transferred, sold, assigned, or otherwise conveyed, and the new owner shall have the same rights as the original taxpayer.**

**3. The authority shall be responsible for the administration and issuance of the certificate of tax credits authorized by this section. The authority may impose a fee for the provision of services authorized by this section.**

**4. Taxpayers shall apply for the milk, swine, or cattle production tax credit by submitting an application to the authority on a form provided by the authority.**

**5. If, based on the calculations made by the authority, the current livestock or milk production costs exceed the current market prices of livestock or milk, any participant in the program shall be eligible to receive a tax credit if the participant has a qualifying loss for a twelve-month period.**

**6. The authority shall not issue more than twenty thousand dollars in tax credits per producer taxpayer per year. The authority shall not issue more tax credits in any calendar year than are allocable to this program for such calendar year as provided under section 32.115, RSMo, section 99.1205, RSMo, sections 135.484, 135.535, and 135.680, and section 208.770, RSMo.**

**7. The authority may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to**

chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

**8. Under section 23.253, RSMo, of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after August 28, 2009, unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.**

208.770. 1. Moneys deposited in or withdrawn pursuant to subsection 1 of section 208.760 from a family development account by an account holder are exempted from taxation pursuant to chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, and chapter 147, 148 or 153, RSMo, provided, however, that any money withdrawn for an unapproved use should be subject to tax as required by law.

2. Interest earned by a family development account is exempted from taxation pursuant to chapter 143, RSMo.

3. Any funds in a family development account, including accrued interest, shall be disregarded when determining eligibility to receive, or the amount of, any public assistance or benefits.

4. A program contributor shall be allowed a credit against the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, and chapter 147, 148 or 153, RSMo, pursuant to sections 208.750 to 208.775. Contributions up to fifty thousand dollars per program contributor are eligible for the tax credit which shall not exceed fifty percent of the contribution amount.

5. The department of economic development shall verify all tax credit claims by contributors. The administrator of the community-based organization, with the cooperation of the participating financial institutions, shall submit the names of contributors and the total amount each contributor contributes to a family development account reserve fund for the calendar year. The director shall determine the date by which such information shall be submitted to the department by the local administrator. The department shall submit verification of qualified tax credits pursuant to sections 208.750 to 208.775 to the department of revenue.

6. The total tax credits authorized pursuant to sections 208.750 to 208.775 shall not exceed four million dollars in any fiscal year. **To the extent that as of the last day of April in any year, less than four million dollars in tax credits have been issued under the provisions of this section, such remaining unissued tax credits shall be made available for allocation under the provisions of section 135.704, RSMo.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 140**.

Bill ordered enrolled.

On motion of Senator Engler, the Senate recessed until 2:15 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Mayer.

Senator Goodman announced that photographers from the University of Central Missouri and MO Lawyers Media were given permission to take pictures in the Senate Chamber today.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 141**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 307**, entitled:

An Act to amend chapters 190 and 633, RSMo, by adding thereto sixteen new sections relating to ambulance service reimbursement allowance tax, with an emergency clause for a certain section.

With House Amendment No. 1 and House Amendment No. 2 adopted, emergency clause in House Amendment No. 2 defeated.

### **HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 307, Page 1, In the Title, Line 3 by deleting the words “ambulance service reimbursement allowance tax” and inserting in lieu thereof the following “provider assessments”; and

Further amend said bill, Page 8, Section 633.402, Line 85 by inserting after all of said section the following:

**“660.425. 1. In addition to all other fees and taxes required or paid, a tax is hereby imposed upon in-home services providers for the privilege of providing in-home services under chapter 208, RSMo. The tax is imposed upon payments received by an in-home services provider for the provision of in-home services under chapter 208, RSMo.**

**2. For purposes of sections 660.425 to 660.465, the following terms shall mean:**

**(1) “Engaging in the business of providing in-home services”, all payments received by an in-home services provider for the provision of in-home services under chapter 208, RSMo;**

**(2) “In-home services”, homemaker services, personal care services, chore services, respite services, consumer-directed services, and services, when provided in the individual’s home and under a plan of care created by a physician, necessary to keep children out of hospitals. In-home services shall not include home health services as defined by federal and state law;**

**(3) “In-home services provider”, any provider or vendor, as defined in section 208.900, RSMo, of compensated in-home services under chapter 208, RSMo, and under a provider agreement or**



contracted with the department of social services or the department of health and senior services.

**660.430. 1.** Each in-home services provider in this state providing in-home services under chapter 208, RSMo, shall, in addition to all other fees and taxes now required or paid, pay an in-home services gross receipts tax, not to exceed six and one-half percent of gross receipts, for the privilege of engaging in the business of providing in-home services in this state.

**2.** Each in-home services provider's tax shall be based on a formula set forth in rules promulgated by the department of social services. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

**3.** The director of the department of social services or the director's designee may prescribe the form and contents of any forms or other documents required by sections 660.425 to 660.465.

**4.** Notwithstanding any other provision of law to the contrary, appeals regarding the promulgation of rules under this section shall be made to the circuit court of Cole County. The circuit court of Cole County shall hear the matter as the court of original jurisdiction.

**660.435. 1.** For purposes of assessing the tax under sections 660.425 to 660.465, the department of health and senior services shall make available to the department of social services a list of all providers and vendors under this section.

**2.** Each in-home services provider subject to sections 660.425 to 660.465 shall keep such records as may be necessary to determine the total payments received for the provision of in-home services under chapter 208, RSMo, by the in-home services provider. Every in-home services provider shall submit to the department of social services a statement that accurately reflects such information as is necessary to determine such in-home services provider's tax due.

**3.** The director of the department of social services may prescribe the form and contents of any forms or other documents required by this section.

**4.** Each in-home services provider shall report the total payments received for the provision of in-home services under chapter 208, RSMo, to the department of social services.

**660.440. 1.** The tax imposed by sections 660.425 to 660.465 shall become effective upon authorization by the federal Centers for Medicare & Medicaid Services for a gross receipts tax for in-home services.

**2.** If the federal Centers for Medicare & Medicaid Services determines that their authorization is not necessary for the tax imposed under sections 660.425 to 660.465, the tax shall become effective sixty days after the date of such determination.

**660.445. 1.** The determination of the amount of tax due shall be the total amount of payments reported to the department multiplied by the tax rate established by rule by the department of social services.

**2. The department of social services shall notify each in-home services provider of the amount of tax due. Such amount may be paid in increments over the balance of the assessment period.**

**3. The department of social services may adjust the tax due quarterly on a prospective basis. The department of social services may adjust the tax due more frequently for individual providers if there is a substantial and statistically significant change in the in-home services provided or in the payments received for such services provided under chapter 208, RSMo. The department of social services may define such adjustment criteria by rule.**

**660.450. The director of the department of social services may offset the tax owed by an in-home services provider against any Missouri Medicaid payment due such in-home services provider, if the in-home services provider requests such an offset. The amounts to be offset shall result, so far as practicable, in withholding from the in-home services provider an amount substantially equal to the assessment due from the in-home services provider. The office of administration and the state treasurer may make any fund transfers necessary to execute the offset.**

**660.455. 1. The in-home services tax owed or, if an offset has been made, the balance after such offset, if any, shall be remitted by the in-home services provider to the department of social services. The remittance shall be made payable to the director of the department of social services and shall be deposited in the state treasury to the credit of the “In-home Services Gross Receipts Tax Fund” which is hereby created to provide payments for in-home services provided under chapter 208, RSMo. All investment earnings of the fund shall be credited to the fund.**

**2. An offset authorized by section 660.450 or a payment to the in-home services gross receipts tax fund shall be accepted as payment of the obligation set forth in section 660.425.**

**3. The state treasurer shall maintain records showing the amount of money in the in-home services gross receipts tax fund at any time and the amount of investment earnings on such amount.**

**4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the in-home services gross receipts tax fund at the end of the biennium shall not revert to the credit of the general revenue fund.**

**660.460. 1. The department of social services shall notify each in-home services provider with a tax due of more than ninety days of the amount of such balance. If any in-home services provider fails to pay its in-home services tax within thirty days of such notice, the in-home services tax shall be delinquent.**

**2. If any tax imposed under sections 660.425 to 660.465 is unpaid and delinquent, the department of social services may proceed to enforce the state’s lien against the property of the in-home services provider and compel the payment of such assessment in the circuit court having jurisdiction in the county where the in-home services provider is located. In addition, the department of social services may cancel or refuse to issue, extend, or reinstate a Medicaid provider agreement to any in-home services provider that fails to pay the tax imposed by section 660.425.**

**3. Failure to pay the tax imposed under section 660.425 shall be grounds for failure to renew a provider agreement for services under chapter 208, RSMo, or failure to renew a provider contract. The department of social services may revoke the provider agreement of any in-home services provider that fails to pay such tax, or notify the department of health and senior services to revoke the provider contract.**

**660.465. 1. The in-home services tax required by sections 660.425 to 660.465 shall expire:**

**(1) Ninety days after any one or more of the following conditions are met:**

**(a) The aggregate in-home services fee as appropriated by the general assembly paid to in-home services providers for in-home services provided under chapter 208, RSMo, is less than the fiscal year 2010 in-home services fees reimbursement amount; or**

**(b) The formula used to calculate the reimbursement as appropriated by the general assembly for in-home services provided is changed resulting in lower reimbursement to in-home services providers in the aggregate than provided in fiscal year 2010; or**

**(2) September 1, 2011. The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection.**

**2. Sections 660.425 to 660.465 shall expire on September 1, 2011.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 2**

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 307, Section 190.839, Page 5, Line 1 by inserting immediately after all of said section and line the following:

**“205.202. 1. The governing body of any hospital district established under sections 205.160 to 205.379 in any county of the third classification without a township form of government and with more than thirteen thousand five hundred but fewer than thirteen thousand six hundred inhabitants may, by resolution, abolish the property tax levied in such district under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the hospital district. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. No such resolution adopted under this section shall become effective unless the governing body of the hospital district submits to the voters residing within the district at a state general, primary, or special election a proposal to authorize the governing body of the district to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.**

**3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital district, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the “Hospital District Sales Tax Fund”, and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to**

the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any hospital district that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any hospital district that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters of the district voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the district a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the hospital district shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account to the district and close the account of that district. The director shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.”; and

Further amend said Substitute, Section B, Page 8, Line 6 by inserting immediately after all of said section and line the following:

“Section B. Because immediate action is necessary to allow certain hospital districts to lower their property tax levies, the enactment of section 205.202 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 205.202 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted for a certain section.

In which the concurrence of the Senate is respectfully requested.

### **CONCURRENT RESOLUTIONS**

Senator Stouffer offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 28**

WHEREAS, the State of Missouri contains 553 miles of the Missouri River, which borders 23 Missouri counties and over 50 Missouri communities, making it one of the state's greatest natural resources; and

WHEREAS, eighteen power plants, which have the capacity to generate over 11,000 megawatts of electricity, draw cooling water from the lower Missouri River basin; and

WHEREAS, the State of Missouri has constructed infrastructure to support water supply and power generation in the lower Missouri River basin with the understanding that reliable navigation flows would be maintained in the future; and

WHEREAS, the Missouri General Assembly supports this natural resource as a vital link in the State of Missouri's total transportation system and wishes to maximize this valuable asset in order to move freight and to support our state's economy; and

WHEREAS, removing water from the Missouri River in upstream states will have a significant, negative economic and social impact upon Missouri and other downstream states by impacting navigation, power generation, and drinking water availability; and

WHEREAS, the State of North Dakota has for decades relentlessly pursued the Garrison Diversion which would pump Missouri River water across the Continental Divide into the Red River of the North against the wishes of Missouri, Minnesota, Canada, Manitoba and conservation groups; and

WHEREAS, the needs of the Red River basin could be met by in-basin sources which provide the highest benefit-to-cost ratio of all plans considered; and

WHEREAS, the Garrison Diversion has been reviewed and rejected by the last four successive Presidential Administrations; and

WHEREAS, the Garrison Diversion has the capacity to annually divert nearly the equivalent of Kansas City's entire water supply for nine years; and

WHEREAS, the Bureau of Reclamation has assumed unprecedented rates of population growth in the Red River Valley while predicting no growth in water use in the Missouri River basin; and

WHEREAS, the proposed diversion would endanger the many uses of the Missouri River water for drinking water, power plant cooling and transportation for citizens of Missouri:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to deny any request for authorization to transfer water out of the Missouri River by use of the Garrison Diversion; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge Missouri's Congressional delegation to vehemently oppose the Garrison Diversion and actively favor an in-basin alternative for the Red River Valley; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Secretary of Interior, the U.S. Bureau of Reclamation, and to each member of Missouri's Congressional delegation.

### **HOUSE BILLS ON THIRD READING**

**HB 239**, with SCS, introduced by Representative Jones (89), et al, entitled:

An Act to repeal sections 472.335, 473.333, 475.130, and 475.190, RSMo, and to enact in lieu thereof four new sections relating to a conservator's investment in property.

Was called from the Informal Calendar and taken up by Senator Pearce.

SCS for **HB 239**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 239

An Act to repeal sections 172.290, 402.010, 402.015, 402.025, 402.030, 402.035, 402.040, 402.045, 402.055, 402.060, 456.5-505, 469.411, 472.335, 473.333, 475.130, and 475.190, RSMo, and to enact in lieu thereof twenty new sections relating to the management of funds.

Was taken up.

Senator Pearce moved that **SCS** for **HB 239** be adopted.

Senator Pearce offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 239, Page 5, Section 402.132, Line 56, by striking all of said line; and further amend line 57, by striking the following: “that the person has special skills or”; and further amend line 59, by striking the comma “,” from said line.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

Senator Pearce moved that **SCS** for **HB 239**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **HB 239**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Ridgeway      Vogel—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 842**, with **SCS**, introduced by Representative Wood, entitled:

An Act to repeal section 339.710, RSMo, and to enact in lieu thereof one new section relating to real estate brokers and agents.

Was called from the Informal Calendar and taken up by Senator Goodman.

**SCS** for **HB 842**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 842**

An Act to repeal sections 339.503 and 339.710, RSMo, and to enact in lieu thereof two new sections relating to real estate.

Was taken up.

Senator Pearce assumed the Chair.

Senator Goodman moved that **SCS** for **HB 842** be adopted.

Senator Goodman offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Bill No. 842, Page 2, Section 339.503, Line 39, by striking the following: “adverse possession,”.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Goodman moved that **SCS** for **HB 842**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HB 842**, as amended, was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

**NAYS—Senators—None**

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

At the request of Senator Griesheimer, **HCS** for **HB 495**, with **SCS**, was placed on the Informal Calendar.

**HB 132**, introduced by Representative Fallert, et al, entitled:

An Act to repeal section 311.090, RSMo, and to enact in lieu thereof one new section relating to the sale of liquor.

Was taken up by Senator McKenna.

Senator McKenna offered **SS** for **HB 132**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 132

An Act to repeal sections 92.047, 311.020, 311.055, 311.060, 311.070, 311.090, 311.181, 311.182, 311.195, 311.200, 311.211, 311.212, 311.218, 311.260, 311.265, 311.280, 311.290, 311.300, 311.332, 311.333, 311.334, 311.335, 311.336, 311.338, 311.360, 311.480, 311.482, 311.485, 311.486, 311.487, 311.490, 311.520, 311.610, 311.630, 311.665, 311.680, 311.685, 311.722, 312.010, 312.020, 312.030, 312.040, 312.050, 312.060, 312.070, 312.080, 312.090, 312.100, 312.110, 312.120, 312.130, 312.140, 312.150, 312.160, 312.170, 312.180, 312.190, 312.200, 312.210, 312.220, 312.230, 312.233, 312.235, 312.237, 312.270, 312.280, 312.290, 312.300, 312.310, 312.320, 312.330, 312.340, 312.350, 312.360, 312.370, 312.380, 312.390, 312.400, 312.405, 312.407, 312.410, 312.420, 312.430, 312.440, 312.450, 312.460, 312.470, 312.480, 312.484, 312.490, 312.500, 312.510, 313.075, 313.340, 313.665, 313.840, 571.107, and 650.005, RSMo, and to enact in lieu thereof forty-five new sections relating to liquor control, with penalty provisions.

Senator McKenna moved that **SS** for **HB 132** be adopted, which motion prevailed.

On motion of Senator McKenna, **SS** for **HB 132** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields
Shoemyer	Smith	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bartle	Purgason	Scott	Stouffer—4
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Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 229**, with **SCS**, introduced by Representative Ervin, entitled:

An Act to repeal sections 143.111, 143.113, 354.536, 376.426, 376.450, 376.453, 376.776, 379.930, 379.940, and 379.952, RSMo, and to enact in lieu thereof eleven new sections relating to health insurance.



Was called from the Informal Calendar and taken up by Senator Dempsey.

**SCS** for **HB 229**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 229

An Act to repeal sections 143.111, 143.113, 354.442, 354.536, 376.397, 376.401, 376.421, 376.424, 376.426, 376.450, 376.453, 376.776, 376.960, 376.966, 376.986, 376.995, 379.930, 379.940, and 379.952, RSMo, and to enact in lieu thereof twenty new sections relating to health insurance.

Was taken up.

Senator Dempsey moved that **SCS** for **HB 229** be adopted.

Senator Dempsey offered **SS** for **SCS** for **HB 229**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 229

An Act to repeal sections 143.111, 143.113, 354.442, 354.536, 376.384, 376.397, 376.401, 376.421, 376.424, 376.426, 376.450, 376.453, 376.776, 376.960, 376.966, 376.986, 376.995, 379.930, 379.940, and 379.952, RSMo, and to enact in lieu thereof twenty-four new sections relating to health insurance.

Senator Dempsey moved that **SS** for **SCS** for **HB 229** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 229, Page 77, Section 376.995, Line 14 of said page, by inserting after all of said line thereof the following:

**“376.1224. 1. For purposes of this section, the following terms shall mean:**

**(1) “Applied behavior analysis”, the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior;**

**(2) “Autism service provider”:**

**(a) Any person, entity, or group that provides diagnostic or treatment services for autism spectrum disorders who is licensed or certified by the state of Missouri;**

**(b) Any person who is certified as a board certified behavior analyst by the behavior analyst certification board; or**

**(c) Any person, if not licensed or certified, who is supervised by a person who is certified as a board certified behavioral analyst by the Behavioral Analyst Certification Board, whether such board certified behavioral analyst supervises as an individual or as an employee of or in association with an entity or group; provided however, the definition of autism service provider shall specifically exclude parents and siblings of autistic persons to the extent such parents or siblings are providing diagnostic or treatment services to their child or sibling;**

(3) “Autism spectrum disorders”, a neurobiological disorder, an illness of the nervous system, which includes Autistic Disorder, Asperger's Disorder, Pervasive Developmental Disorder Not Otherwise Specified, Rett's Disorder, and Childhood Disintegrative Disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association;

(4) “Diagnosis of autism spectrum disorders”, medically necessary assessments, evaluations, or tests in order to diagnose whether an individual has an autism spectrum disorder;

(5) “Habilitative or rehabilitative care”, professional, counseling, and guidance services and treatment programs, including applied behavior analysis, that are necessary to develop and restore the functioning of an individual;

(6) “Health benefit plan”, shall have the same meaning ascribed to it as in section 376.1350;

(7) “Health carrier”, shall have the same meaning ascribed to it as in section 376.1350;

(8) “Pharmacy care”, medications used to address symptoms of an autism spectrum disorder prescribed by a licensed physician, and any health-related services deemed medically necessary to determine the need or effectiveness of the medications;

(9) “Psychiatric care”, direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices;

(10) “Psychological care”, direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices;

(11) “Therapeutic care”, services provided by licensed speech therapists, occupational therapists, or physical therapists;

(12) “Treatment for autism spectrum disorders”, care prescribed and provided or ordered and provided for an individual diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist, pursuant to the powers granted under such licensed physician's or licensed psychologist's license, including, but not limited to:

(a) Psychiatric care;

(b) Psychological care;

(c) Habilitative or rehabilitative care, including applied behavior analysis therapy;

(d) Therapeutic care;

(e) Pharmacy care.

2. All health benefit plans that are delivered, issued for delivery, continued, or renewed on or after January 1, 2010, if written in the state of Missouri or outside the state of Missouri but insuring Missouri residents, shall provide individuals less than eighteen years of age coverage for the diagnosis and treatment of autism spectrum disorders to the extent that the diagnosis and treatment of autism spectrum disorders are not already covered by the health benefit plan.

3. With regards to a health benefit plan, a health carrier shall not deny or refuse to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or otherwise terminate or restrict coverage on an individual or their dependent solely because the individual is diagnosed with autism

spectrum disorder.

4. (1) Coverage provided under this section is limited to treatment that is ordered by the insured's treating licensed physician or licensed psychologist, pursuant to the powers granted under such licensed physician's or licensed psychologist's license, in accordance with a treatment plan;

(2) The treatment plan upon request by the health benefit plan or health carrier shall include all elements necessary for the health benefit plan or health carrier to appropriately pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency, and duration of treatment and goals;

(3) Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, a health carrier shall have the right to review the treatment plan not more than once every six months unless the health carrier and the individual's treating physician or psychologist agree that a more frequent review is necessary. The cost of obtaining any review shall be borne by the health benefit plan or health carrier, as applicable;

(4) The coverage for the diagnosis and treatment of autism spectrum disorders under this section is limited to treatment and diagnosis provided within Missouri.

5. Coverage provided under this section for applied behavior analysis shall be subject to a maximum benefit of fifty-five thousand dollars per year for individuals under fifteen years of age. No coverage for applied behavior analysis shall be afforded to individuals fifteen years of age or older. Notwithstanding the foregoing, the annual maximum benefits for applied behavior analysis shall not be subject to any limits on the numbers of visits by an individual to an autism service provider for applied behavior analysis. Coverage provided under this section for services other than applied behavior analysis shall not be subject to any limits on the number of visits an individual may make to an autism service provider. After December 31, 2010, the director of the department of insurance, financial and professional registration shall, on an annual basis, adjust the maximum benefit (for applied behavioral analysis) for inflation using the Medical Care Component of the United States Department of Labor Consumer Price Index for All Urban Consumers. Payments made by a health carrier on behalf of a covered individual for any care, treatment, intervention, service or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection.

6. This section shall not be construed as limiting benefits which are otherwise available to an individual under a health benefit plan. The health care services required by this section shall not be subject to any greater deductible, coinsurance, or co-payment than other physical health care services provided by a health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the contract or benefit plan, such as coordination of benefits, services provided by family or household members, utilization review of health care services including review of medical necessity, and case management; however, coverage for treatment under this section shall not be denied on the basis that it is educational or habilitative in nature.

7. To the extent any payments or reimbursements are being made for applied behavior analysis, such payments or reimbursements shall be made to either:

(1) Any autism provider;

**(2) The person who is supervising an autism service provider, who is also certified as a board certified behavior analyst by the Behavior Analyst Certification Board; or**

**(3) The entity or group for whom such supervising person, who is certified as a board certified behavior analyst by the Behavior Analyst Certification Board, works or is associated.**

**8. If a request for qualifications is made of a person who is not licensed as an autism service provider by a health carrier, such person shall provide documented evidence of education and professional training, if any, in applied behavioral analysis.**

**9. The provisions of this section shall apply to any health care plans issued to employees and their dependents under the Missouri consolidated health care plan established pursuant to chapter 103, RSMo, that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2010. The terms “employees” and “health care plans” shall have the same meaning ascribed to them in section 103.003, RSMo.**

**10. The provisions of this section shall also apply to the following types of plans that are established, extended, modified, or renewed on or after January 1, 2010:**

**(1) All self-insured governmental plans, as that term is defined in 29 U.S.C. Section 1002(32);**

**(2) All self-insured group arrangements, to the extent not preempted by federal law;**

**(3) All plans provided through a multiple employer welfare arrangement, or plans provided through another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, or any waiver or exception to that act provided under federal law or regulation; and**

**(4) All self-insured school district health plans.**

**11. The provisions of this section shall not automatically apply to an individually underwritten health benefit plan, but shall be offered as an option to any such plan.**

**12. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy of six months or less duration, or any other supplemental policy.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Purgason offered **SA 1** to **SA 1**, which was read:

**SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 229, Page 7, Section 376.1224, Line 20 of said page, by inserting immediately after “policy.” the following:

**“13. The provisions of this section shall not apply to health benefit plans underwritten for the small group market, as defined in section 376.450.”.**

Senator Purgason moved that the above amendment be adopted, which motion failed.

SA 1 was again taken up.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Days offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 229, Page 96, Section 379.952, Line 2 of said page, by inserting after all of said line thereof the following:

**“Section 1. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2010, shall offer coverage for prosthetic devices and services, including original and replacement devices, as prescribed by a physician acting within the scope of his or her practice.**

**2. For the purposes of this section, “health carrier” and “health benefit plan” shall have the same meaning as defined in section 376.1350, RSMo.**

**3. The amount of the benefit for prosthetic devices and services under this section shall be no less than the annual and lifetime benefit maximums applicable to the basic health care services required to be provided under the health benefit plan. If the health benefit plan does not include any annual or lifetime maximums applicable to the basic health care services, the amount of the benefit for prosthetic devices and services shall not be subject to an annual or lifetime maximum benefit level. Any co-payment, coinsurance, deductible, and maximum out-of-pocket amount applied to the benefit for prosthetic devices and services shall be no more than the most common amounts applied to the basic health care services required to be provided under the health benefit plan.**

**4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.”; and**

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 229, Page 8, Section 191.1010, Line 25, by inserting immediately after said line the following:

**“191.1127. 1. The MO HealthNet program and the health care for uninsured children program under sections 208.631 to 208.659, RSMo, in consultation with statewide organizations focused on premature infant health care, shall:**

**(1) Examine and improve hospital discharge and follow-up care procedures for premature infants born earlier than thirty-seven weeks gestational age to ensure standardized and coordinated processes are followed as premature infants leave the hospital from either a well-baby nursery, step down or transitional nursery, or neonatal intensive care unit and transition to follow-up care by a health care provider in the community;**

**(2) Urge hospitals serving infants eligible for medical assistance under the MO HealthNet and health care for uninsured children programs to report to the state the causes and incidence of all re-hospitalizations of infants born premature at earlier than thirty-seven weeks gestational age within their first six months of life; and**

**(3) Use guidance from the Centers for Medicare and Medicaid Services' Neonatal Outcomes Improvement Project to implement programs to improve newborn outcomes, reduce newborn health costs, and establish ongoing quality improvement for newborns.**

**191.1130. 1. The department of health and senior services shall, by December 31, 2009, prepare written educational publications containing information about the possible complications, proper care and support associated with newborn infants who are born premature at earlier than thirty-seven weeks gestational age. The written information, at a minimum, shall include the following:**

**(1) The unique health issues affecting infants born premature, such as:**

**(a) Increased risk of developmental problems;**

**(b) Nutritional challenges;**

**(c) Infection;**

**(d) Chronic lung disease (bronchopulmonary dysplasia);**

**(e) Vision and hearing impairment;**

**(d) Breathing problems;**

**(f) Fine motor skills;**

**(g) Feeding;**

**(h) Maintaining body temperature;**

**(i) Jaundice;**

**(j) Hyperactivity;**

**(k) Infant mortality as well as long-term complications associated with growth and nutrition;**

**(l) Respiratory; and**

**(m) Reading, writing, mathematics, and speaking;**

**(2) The proper care needs of premature infants, developmental screenings and monitoring and health care services available to premature infants through the MO HealthNet program and other public or private health programs;**

**(3) Methods, vaccines, and other preventative measures to protect premature infants from infectious diseases, including viral respiratory infections;**

**(4) The emotional and financial burdens and other challenges that parents and family members of premature infants experience and information about community resources available to support them.**

**2. The publications shall be written in clear language to educate parents of premature infants across a variety of socioeconomic statuses. The department may consult with community**

**organizations that focus on premature infants or pediatric health care. The department shall update the publications every two years.**

**3. The department shall distribute these publications to children’s health providers, maternal care providers, hospitals, public health departments, and medical organizations and encourage those organizations to provide the publications to parents or guardians of premature infants.”; and**

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Lembke offered **SA 4:**

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 229, Page 19, Section 376.384, Line 27, by inserting after all of said line the following:

**“376.391. A health benefit plan or health carrier, as defined in section 376.1350, including but not limited to preferred provider organizations, independent physicians associations, third-party administrators, or any entity that contracts with licensed health care providers shall not impose any co-payment that exceeds fifty percent of the total cost of providing any single health care service to its enrollees.”; and**

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 5:**

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 229, Page 77, Section 376.995, Line 14, by inserting immediately after said line the following:

**“376.1350. For purposes of sections 376.1350 to 376.1390, the following terms mean:**

(1) “Adverse determination”, a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay or other health care service has been reviewed and, based upon the information provided, does not meet the health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, and the payment for the requested service is therefore denied, reduced or terminated;

(2) “Ambulatory review”, utilization review of health care services performed or provided in an outpatient setting;

(3) “Case management”, a coordinated set of activities conducted for individual patient management of serious, complicated, protracted or other health conditions;

(4) “Certification”, a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay or other health care service has been reviewed and, based on the information provided, satisfies the health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care and effectiveness;

(5) “Clinical peer”, a physician or other health care professional who holds a nonrestricted license in

a state of the United States and in the same or similar specialty as typically manages the medical condition, procedure or treatment under review;

(6) “Clinical review criteria”, the written screening procedures, decision abstracts, clinical protocols and practice guidelines used by the health carrier to determine the necessity and appropriateness of health care services;

(7) “Concurrent review”, utilization review conducted during a patient’s hospital stay or course of treatment;

(8) “Covered benefit” or “benefit”, a health care service that an enrollee is entitled under the terms of a health benefit plan;

(9) “Director”, the director of the department of insurance, financial institutions and professional registration;

(10) “Discharge planning”, the formal process for determining, prior to discharge from a facility, the coordination and management of the care that a patient receives following discharge from a facility;

(11) “Drug”, any substance prescribed by a licensed health care provider acting within the scope of the provider’s license and that is intended for use in the diagnosis, mitigation, treatment or prevention of disease. The term includes only those substances that are approved by the FDA for at least one indication;

(12) “Emergency medical condition”, the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that immediate medical care is required, which may include, but shall not be limited to:

(a) Placing the person’s health in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain; or

(e) With respect to a pregnant woman who is having contractions:

a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or

b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;

(13) “Emergency service”, a health care item or service furnished or required to evaluate and treat an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital’s emergency facility by an appropriate provider;

(14) “Enrollee”, a policyholder, subscriber, covered person or other individual participating in a health benefit plan;

(15) “FDA”, the federal Food and Drug Administration;

(16) “Facility”, an institution providing health care services or a health care setting, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation



and other therapeutic health settings;

(17) “Grievance”, a written complaint submitted by or on behalf of an enrollee regarding the:

(a) Availability, delivery or quality of health care services, including a complaint regarding an adverse determination made pursuant to utilization review;

(b) Claims payment, handling or reimbursement for health care services; or

(c) Matters pertaining to the contractual relationship between an enrollee and a health carrier;

(18) “Health benefit plan”, a policy, contract, certificate or agreement entered into, offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services; except that, health benefit plan shall not include any coverage pursuant to liability insurance policy, workers’ compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy, **or a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy of six months or less duration, or any other supplemental policy;**

(19) “Health care professional”, a physician or other health care practitioner licensed, accredited or certified by the state of Missouri to perform specified health services consistent with state law;

(20) “Health care provider” or “provider”, a health care professional or a facility;

(21) “Health care service”, a service for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease;

(22) “Health carrier”, an entity subject to the insurance laws and regulations of this state that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits or health services; except that such plan shall not include any coverage pursuant to a liability insurance policy, workers’ compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy, **or a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy of six months or less duration, or any other supplemental policy;**

(23) “Health indemnity plan”, a health benefit plan that is not a managed care plan;

(24) “Managed care plan”, a health benefit plan that either requires an enrollee to use, or creates incentives, including financial incentives, for an enrollee to use, health care providers managed, owned, under contract with or employed by the health carrier;

(25) “Participating provider”, a provider who, under a contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to enrollees with an expectation of receiving payment, other than coinsurance, co-payments or deductibles, directly or indirectly from the health carrier;

(26) “Peer-reviewed medical literature”, a published scientific study in a journal or other publication in which original manuscripts have been published only after having been critically reviewed for scientific

accuracy, validity and reliability by unbiased independent experts, and that has been determined by the International Committee of Medical Journal Editors to have met the uniform requirements for manuscripts submitted to biomedical journals or is published in a journal specified by the United States Department of Health and Human Services pursuant to Section 1861(t)(2)(B) of the Social Security Act, as amended, as acceptable peer-reviewed medical literature. Peer-reviewed medical literature shall not include publications or supplements to publications that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier;

(27) “Person”, an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing;

(28) “Prospective review”, utilization review conducted prior to an admission or a course of treatment;

(29) “Retrospective review”, utilization review of medical necessity that is conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding or adjudication for payment;

(30) “Second opinion”, an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health service to assess the clinical necessity and appropriateness of the initial proposed health service;

(31) “Stabilize”, with respect to an emergency medical condition, that no material deterioration of the condition is likely to result or occur before an individual may be transferred;

(32) “Standard reference compendia”:

(a) The American Hospital Formulary Service-Drug Information; or

(b) The United States Pharmacopoeia-Drug Information;

(33) “Utilization review”, a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, prospective review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

(34) “Utilization review organization”, a utilization review agent as defined in section 374.500, RSMo.”;

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Goodman offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 229, Page 96, Section 379.952, Line 2, by inserting after all of said line the following:

**“Section 1. 1. The provisions of chapter 376, RSMo, relating to health insurance, health maintenance organizations, health benefit plans, group health services, and health carriers shall not apply to a plan that provides health care services to low income individuals on a prepaid basis and that meets the following conditions:**

**(1) Eligibility in the plan is limited to persons who earn less than two hundred percent of the**

federal poverty level and are not covered under any other group insurance arrangement;

(2) The plan is operated on a nonprofit basis under the sponsorship of a nonprofit organization that is qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended;

(3) Covered primary care services are provided to enrollees either by providers on staff of the sponsoring organization or by volunteers recruited from a local medical society who have, in both instances, agreed to provide their services for free or for nominal reimbursement for out-of-pocket expenses or expendable supplies directly related to, and incurred as a result of, the service provided to the enrollee;

(4) Payments to outside contractors for marketing, claims administration and similar services total no more than ten percent of the total charges;

(5) The plan has received the approval and endorsement of the local medical society in consultation with the Missouri State Medical Association; and

(6) The sponsoring nonprofit organization files an annual report with the secretary of state within ninety days of the close of the organization's fiscal year that includes, at a minimum, the following information:

- (a) The number of plan enrollees;
- (b) Total services rendered under the plan;
- (c) Plan financial statements;
- (d) Administrative costs and salaries paid by the plan; and
- (e) Other information that may be reasonably requested by the secretary of state.

2. A plan that meets the requirements of this section shall not be considered to be engaging in the business of insurance for purposes of chapter 376, RSMo, or any provision of Title XXIV, RSMo, and shall not be subject to the jurisdiction of the director of the department of insurance, financial institutions and professional registration.

Section 2. 1. Any volunteer physician, dentist, optometrist, pharmacist, registered professional nurse, licensed practical nurse, psychiatrist, psychologist, professional counselors, or clinical social workers licensed to practice in this state under the provisions of chapter 332, 334, 335, 336, 337, or 338, RSMo, or any volunteer retired physician, dentist, optometrist, pharmacist, registered professional nurse, licensed practical nurse, psychiatrist, psychologist, professional counselor, or clinical social worker who provides medical or mental health treatment to a patient at a nonprofit faith-based community health center that provides health care services for a nominal fee and is qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall not be liable for any civil damages for acts or omissions unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by such health care provider under this section in rendering such treatment.

2. For purposes of this section, a "volunteer" is an individual rendering medical or mental health treatment who is not compensated for his or her services on a salary or prorated equivalent basis.

3. In order for a retired physician, dentist, optometrist, pharmacist, registered professional nurse,

**licensed practical nurse, psychiatrist, psychologist, professional counselor, or clinical social worker to receive the immunity from liability under this section, such health care provider shall have been in good standing with their respective governing professional board at the time of his or her retirement.”; and**

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 7**:

**SENATE AMENDMENT NO. 7**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 229, Page 8, Section 191.1010, Line 25 of said page, by inserting after all of said line the following:

“208.215. 1. MO HealthNet is payer of last resort unless otherwise specified by law. When any person, corporation, institution, public agency or private agency is liable, either pursuant to contract or otherwise, to a participant receiving public assistance on account of personal injury to or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled, payments made by the department of social services or MO HealthNet division shall be a debt due the state and recoverable from the liable party or participant for all payments made [in] **on** behalf of the participant and the debt due the state shall not exceed the payments made from MO HealthNet benefits provided under sections 208.151 to 208.158 and section 208.162 and section 208.204 on behalf of the participant, minor or estate for payments on account of the injury, disease, or disability or benefits arising from a health insurance program to which the participant may be entitled. **Any health benefit plan as defined in section 376.1350, RSMo, third party administrator, administrative service organization, and pharmacy benefits manager, shall process and pay all properly submitted medical assistance subrogation claims or MO HealthNet subrogation claims:**

**(1) For a period of three years from the date services were provided or rendered, regardless of any other timely filing requirement otherwise imposed by such entity, and the entity shall not deny such claims on the basis of the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization; and**

**(2) If any action by the state to enforce its rights with respect to such claim is commenced within six years of the state's submission of such claim.**

2. The department of social services, MO HealthNet division, or its contractor may maintain an appropriate action to recover funds paid by the department of social services or MO HealthNet division or its contractor that are due under this section in the name of the state of Missouri against the person, corporation, institution, public agency, or private agency liable to the participant, minor or estate.

3. Any participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death who pursues legal rights against a person, corporation, institution, public agency, or private agency liable to that participant or minor for injuries, disease or disability or benefits arising from a health insurance plan to which the participant may be entitled as outlined in subsection 1 of this section shall upon actual knowledge that the department of social services or MO HealthNet division has paid MO HealthNet benefits as defined by this chapter promptly notify the MO HealthNet division as to the pursuit of such legal rights.

4. Every applicant or participant by application assigns his right to the department of social services or MO HealthNet division of any funds recovered or expected to be recovered to the extent provided for in this section. All applicants and participants, including a person authorized by the probate code, shall cooperate with the department of social services, MO HealthNet division in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for MO HealthNet benefits as provided in sections 208.151 to 208.159 and sections 208.162 and 208.204. All applicants and participants shall cooperate with the agency in obtaining third-party resources due to the applicant, participant, or child for whom assistance is claimed. Failure to cooperate without good cause as determined by the department of social services, MO HealthNet division in accordance with federally prescribed standards shall render the applicant or participant ineligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204. A [recipient] **participant** who has notice or who has actual knowledge of the department's rights to third-party benefits who receives any third-party benefit or proceeds for a covered illness or injury is either required to pay the division within sixty days after receipt of settlement proceeds the full amount of the third-party benefits up to the total MO HealthNet benefits provided or to place the full amount of the third-party benefits in a trust account for the benefit of the division pending judicial or administrative determination of the division's right to third-party benefits.

5. Every person, corporation or partnership who acts for or on behalf of a person who is or was eligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204 for purposes of pursuing the applicant's or participant's claim which accrued as a result of a nonoccupational or nonwork-related incident or occurrence resulting in the payment of MO HealthNet benefits shall notify the MO HealthNet division upon agreeing to assist such person and further shall notify the MO HealthNet division of any institution of a proceeding, settlement or the results of the pursuit of the claim and give thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or participant to recover damages for such injuries, disease, or disability, or benefits arising from a health insurance program to which the participant may be entitled.

6. Every participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death, or his attorney or legal representative shall promptly notify the MO HealthNet division of any recovery from a third party and shall immediately reimburse the department of social services, MO HealthNet division, or its contractor from the proceeds of any settlement, judgment, or other recovery in any action or claim initiated against any such third party. A judgment, award, or settlement in an action by a [recipient] **participant** to recover damages for injuries or other third-party benefits in which the division has an interest may not be satisfied without first giving the division notice and a reasonable opportunity to file and satisfy the claim or proceed with any action as otherwise permitted by law.

7. The department of social services, MO HealthNet division or its contractor shall have a right to recover the amount of payments made to a provider under this chapter because of an injury, disease, or disability, or benefits arising from a health insurance plan to which the participant may be entitled for which a third party is or may be liable in contract, tort or otherwise under law or equity. Upon request by the MO HealthNet division, all third-party payers shall provide the MO HealthNet division with information contained in a 270/271 Health Care Eligibility Benefits Inquiry and Response standard transaction mandated under the federal Health Insurance Portability and Accountability Act, except that third-party payers shall not include accident-only, specified disease, disability income, hospital indemnity, or other fixed indemnity

insurance policies.

8. The department of social services or MO HealthNet division shall have a lien upon any moneys to be paid by any insurance company or similar business enterprise, person, corporation, institution, public agency or private agency in settlement or satisfaction of a judgment on any claim for injuries or disability or disease benefits arising from a health insurance program to which the participant may be entitled which resulted in medical expenses for which the department or MO HealthNet division made payment. This lien shall also be applicable to any moneys which may come into the possession of any attorney who is handling the claim for injuries, or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled which resulted in payments made by the department or MO HealthNet division. In each case, a lien notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or participant has a claim, demand or cause of action. The lien shall claim the charge and describe the interest the department or MO HealthNet division has in the claim, demand or cause of action. The lien shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

9. On petition filed by the department, or by the participant, or by the defendant, the court, on written notice of all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the department has charge. The court may determine what portion of the recovery shall be paid to the department against the recovery. In making this determination the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) The amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the participant incident to the recovery; and whether the department should, as a matter of fairness and equity, bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) The amount, if any, of the attorney's fees and other costs incurred by the participant incident to the recovery and paid by the participant up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) The total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the participant, by insurance provided by the participant, and by the department, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) Whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the participant;

(5) The age of the participant and of persons dependent for support upon the participant, the nature and permanency of the participant's injuries as they affect not only the future employability and education of

the participant but also the reasonably necessary and foreseeable future material, maintenance, medical rehabilitative and training needs of the participant, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) The realistic ability of the participant to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

10. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction.

11. The court may reduce and apportion the department's or MO HealthNet division's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The department or MO HealthNet division shall pay its pro rata share of the attorney's fees based on the department's or MO HealthNet division's lien as it compares to the total settlement agreed upon. This section shall not affect the priority of an attorney's lien under section 484.140, RSMo. The charges of the department or MO HealthNet division or contractor described in this section, however, shall take priority over all other liens and charges existing under the laws of the state of Missouri with the exception of the attorney's lien under such statute.

12. Whenever the department of social services or MO HealthNet division has a statutory charge under this section against a recovery for damages incurred by a participant because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, [irrespective] **regardless** of whether [or not] an action based on participant's claim has been filed in court. Nothing herein shall prohibit the director from entering into a compromise agreement with any participant, after consideration of the factors in subsections 9 to 13 of this section.

13. This section shall be inapplicable to any claim, demand or cause of action arising under the workers' compensation act, chapter 287, RSMo. From funds recovered pursuant to this section the federal government shall be paid a portion thereof equal to the proportionate part originally provided by the federal government to pay for MO HealthNet benefits to the participant or minor involved. The department or MO HealthNet division shall enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on permanently institutionalized individuals. The department or MO HealthNet division shall have the right to enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on all other institutionalized individuals. For the purposes of this subsection, "permanently institutionalized individuals" includes those people who the department or MO HealthNet division determines cannot reasonably be expected to be discharged and return home, and "property" includes the homestead and all other personal and real property in which the participant has sole legal interest or a legal interest based upon co-ownership of the property which is the result of a transfer of property for less than the fair market value within thirty months prior to the [participant's] **participants** entering the nursing facility. The following provisions shall apply to such liens:

(1) The lien shall be for the debt due the state for MO HealthNet benefits paid or to be paid on behalf of a participant. The amount of the lien shall be for the full amount due the state at the time the lien is enforced;

(2) The MO HealthNet division shall file for record, with the recorder of deeds of the county in which any real property of the participant is situated, a written notice of the lien. The notice of lien shall contain

the name of the participant and a description of the real estate. The recorder shall note the time of receiving such notice, and shall record and index the notice of lien in the same manner as deeds of real estate are required to be recorded and indexed. The director or the director's designee may release or discharge all or part of the lien and notice of the release shall also be filed with the recorder. The department of social services, MO HealthNet division, shall provide payment to the recorder of deeds the fees set for similar filings in connection with the filing of a lien and any other necessary documents;

(3) No such lien may be imposed against the property of any individual prior to the individual's death on account of MO HealthNet benefits paid except:

(a) In the case of the real property of an individual:

a. Who is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution, to spend for costs of medical care all but a minimal amount of his or her income required for personal needs; and

b. With respect to whom the director of the MO HealthNet division or the director's designee determines, after notice and opportunity for hearing, that he cannot reasonably be expected to be discharged from the medical institution and to return home. The hearing, if requested, shall proceed under the provisions of chapter 536, RSMo, before a hearing officer designated by the director of the MO HealthNet division; or

(b) Pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual;

(4) No lien may be imposed under paragraph (b) of subdivision (3) of this subsection on such individual's home if one or more of the following persons is lawfully residing in such home:

(a) The spouse of such individual;

(b) Such individual's child who is under twenty-one years of age, or is blind or permanently and totally disabled; or

(c) A sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution;

(5) Any lien imposed with respect to an individual pursuant to subparagraph b of paragraph (a) of subdivision (3) of this subsection shall dissolve upon that individual's discharge from the medical institution and return home.

14. The debt due the state provided by this section is subordinate to the lien provided by section 484.130, RSMo, or section 484.140, RSMo, relating to an attorney's lien and to the participant's expenses of the claim against the third party.

15. Application for and acceptance of MO HealthNet benefits under this chapter shall constitute an assignment to the department of social services or MO HealthNet division of any rights to support for the purpose of medical care as determined by a court or administrative order and of any other rights to payment for medical care.

16. All participants receiving benefits as defined in this chapter shall cooperate with the state by



reporting to the family support division or the MO HealthNet division, within thirty days, any occurrences where an injury to their persons or to a member of a household who receives MO HealthNet benefits is sustained, on such form or forms as provided by the family support division or MO HealthNet division.

17. If a person fails to comply with the provision of any judicial or administrative decree or temporary order requiring that person to maintain medical insurance on or be responsible for medical expenses for a dependent child, spouse, or ex-spouse, in addition to other remedies available, that person shall be liable to the state for the entire cost of the medical care provided pursuant to eligibility under any public assistance program on behalf of that dependent child, spouse, or ex-spouse during the period for which the required medical care was provided. Where a duty of support exists and no judicial or administrative decree or temporary order for support has been entered, the person owing the duty of support shall be liable to the state for the entire cost of the medical care provided on behalf of the dependent child or spouse to whom the duty of support is owed.

18. The department director or the director's designee may compromise, settle or waive any such claim in whole or in part in the interest of the MO HealthNet program. Notwithstanding any provision in this section to the contrary, the department of social services, MO HealthNet division is not required to seek reimbursement from a liable third party on claims for which the amount it reasonably expects to recover will be less than the cost of recovery or for which recovery efforts will not be cost-effective. Cost-effectiveness is determined based on the following:

(1) Actual and legal issues of liability as may exist between the [recipient] **participant** and the liable party;

(2) Total funds available for settlement; and

(3) An estimate of the cost to the division of pursuing its claim.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 8**:

**SENATE AMENDMENT NO. 8**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 229, Page 5, Section 191.1005, Lines 22-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 6, lines 1-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 7, lines 1-15 of said page, by striking all of said lines and inserting in lieu thereof the following:

**“(17) All quality measures shall be endorsed by the National Quality Forum (NQF), or its successor organization. Where NQF-endorsed measures do not exist, the next level of measures to be considered, until such measures are endorsed by the National Quality Forum (NQF), or its successor organization, shall be those endorsed by the Ambulatory Care Quality Alliance, the National Committee for Quality Assurance, or the Joint Commission on the Accreditation of Healthcare Organizations, Healthcare Effectiveness and Data Information Set (HEDIS).”.**

Senator Schmitt moved that the above amendment be adopted.

Senator Dempsey offered **SSA 1** for **SA 8**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 229, Page 5, Section 191.1005, Lines 22-27, by striking all of said lines and inserting in lieu thereof the following:

**“(17) All quality measures shall be endorsed by the National Quality Forum (NQF), or its successor organization. Where NQF-endorsed measures do not exist, the next level of measures to be considered, until such measures are endorsed by the National Quality Forum (NQF), or its successor organization, shall be those endorsed by the Ambulatory Care Quality Alliance, the National Committee for Quality Assurance, or the Joint Commission on the Accreditation of Healthcare Organizations, Healthcare Effectiveness and Data Information Set (HEDIS).”;** and

Further amend said bill and section, page 6, line 20 by striking the word “January 1, 2010” and inserting in lieu thereof the following: **“January 1, 2011”**.

Senator Dempsey moved that the above substitute amendment be adopted.

Senator Ridgeway offered **SA 1** to **SSA 1** for **SA 8**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 8

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 8 to Senate Substitute for Senate Committee Substitute for House Bill No. 229, Page 1, Line 12, by inserting after the word “(HEDIS)” the following: **“, clinical societies and specialty associations relevant to a specific disease and clinical condition, or the Centers for Medicare and Medicaid Services”**.

Senator Ridgeway moved that the above amendment be adopted.

At the request of Senator Dempsey, **HB 229**, with **SCS**, **SS** for **SCS**, **SA 8**, **SSA 1** for **SA 8** and **SA 1** to **SSA 1** for **SA 8** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 513**.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 1

Amend House Amendment 1 to Senate Bill No. 513, Section 67.281, Page 1, Line 4 by inserting after the word **“of”** on said line the following:

**“newly constructed”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 513, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“67.281. On or before the date of entering into a purchase contract, any builder of single-family dwellings or residences or multifamily dwellings of four or fewer units shall offer to any purchaser the option to install or equip such dwellings or residences with a fire sprinkler system at the purchaser's cost. Notwithstanding any other provision of law to the contrary, no code, order, ordinance, rule, regulation, or resolution adopted by any political subdivision shall be construed to deny any purchaser of any such dwelling or residence the option to choose or decline the installation or equipping of such dwelling or residence with a fire sprinkler system. Any code, order, ordinance, rule, regulation, or resolution adopted by any political subdivision shall include a provision requiring each builder to provide each purchaser of any such dwelling or residence with the option of purchasing a fire sprinkler system for such dwelling or residence. This section shall expire on December 31, 2011.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HB 91**. Representatives: Pollock, Silvey, Fallert, Day and Kirkton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HB 269**, as amended. Representatives: Parson, Talboy, Jones (117), Cox and Calloway.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 395**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

#### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS No. 2** for **HCS** for **HB 148**: Senators Griesheimer, Lager, Schmitt, McKenna and Shoemyer.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 269**, as amended: Senators Scott, Griesheimer, Pearce, Days and Barnitz.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 91**: Senators Purgason, Crowell, Griesheimer, Green and Barnitz.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 265**: Senators Crowell, Mayer, Cunningham, Days and Green.

#### **HOUSE BILLS ON SECOND READING**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**HCS for HBs 568 and 534**—Financial and Governmental Organizations and Elections.

**HCS for HB 657**—Agriculture, Food Production and Outdoor Resources.

**HCS for HBs 64 and 545**—Ways and Means.

**HJR 15**—General Laws.

**HJR 17**—Appropriations.

**HJR 11**—General Laws.

**HCS for HB 958**—Ways and Means.

### **HOUSE BILLS ON THIRD READING**

**HCS for HB 495**, with **SCS**, entitled:

An Act to repeal sections 190.308 and 392.460, RSMo, and to enact in lieu thereof two new sections relating to telecommunications, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Griesheimer.

**SCS for HCS for HB 495**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 495**

An Act to repeal sections 190.308 and 392.460, RSMo, and to enact in lieu thereof three new sections relating to telecommunications, with a penalty provision.

Was taken up.

Senator Griesheimer moved that **SCS for HCS for HB 495** be adopted.

Senator Griesheimer offered **SS for SCS for HCS for HB 495**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 495**

An Act to repeal sections 190.308 and 392.460, RSMo, and to enact in lieu thereof three new sections relating to telecommunications, with a penalty provision.

Senator Griesheimer moved that **SS for SCS for HCS for HB 495** be adopted.

Senator Scott offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 495, Page 9, Section 392.600, Line 25, by placing after said line the following:

“5. Any telecommunications provider which benefits financially from the reductions required under this section, shall, for the next five years, invest all said savings in cell phone towers and their technology in Missouri “rural service areas” as defined by the FCC (Federal Communications Commission).”

Senator Scott moved that the above amendment be adopted.

Senator Rupp offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 495, Pages 8-9, Section 392.600, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above substitute amendment be adopted, which motion failed on a standing division vote.

Senator Dempsey assumed the Chair.

Senator Griesheimer offered **SSA 2** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 495, Page 9, Section 392.600, Line 25, by inserting after all of said line the following:

**“5. Any telecommunications provider which benefits financially from the reductions required under this section shall invest in wireless or other technology to benefit Missouri rural service areas, as the term “rural service area” is defined by the Federal Communications Commission.”.**

Senator Griesheimer moved that the above substitute amendment be adopted.

Senator Scott offered **SA 1** to **SSA 2** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 2 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 495, Page 1, Section 392.600, Line 4, by deleting lines 5, 6, and 7 and replace in lieu thereof the following: “for the next five years all said savings in wireless towers or other technology in Missouri rural service areas, as the term “rural service area” is defined by the Federal Communications Commission.”.

Senator Scott moved that the above amendment be adopted.

At the request of Senator Griesheimer, **HCS** for **HB 495**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 2** for **SA 1** and **SA 1** to **SSA 2** for **SA 1** (pending), was placed on the Informal Calendar.

**RESOLUTIONS**

Senator Barnitz offered Senate Resolution No. 997, regarding Debbie Roach, Newburg, which was adopted.

Senator Cunningham offered Senate Resolution No. 998, regarding David A. Terschluse, MD, Chesterfield, which was adopted.

Senator Crowell offered Senate Resolution No. 999, regarding Yvonne M. Campbell, Kelso, which

was adopted.

Senator Crowell offered Senate Resolution No. 1000, regarding Patricia Heisserer, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1001, regarding Shawn Brooks, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1002, regarding Susan Cook, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1003, regarding Jeremy T. Barnes, Ph.D., which was adopted.

Senator Goodman offered Senate Resolution No. 1004, regarding Blue Eye High School students, Zach Taillon and Erika Pluff, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1005, regarding the death of Mary Jane Phillips, Saint Louis, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Clemens introduced to the Senate, Danielle Bellis, Aurora.

Senator Griesheimer introduced to the Senate, Franklin County Clerk Debbie Door, her son, Brian, his wife, Brandy and their son, Taylor, Union; and Taylor was made an honorary page.

Senator Crowell introduced to the Senate, seventh and eighth grade students from St. Augustine School, Scott City.

Senator Bray introduced to the Senate, Mary Kurth, Karrie Peters, parents and forty-four fourth grade students from Remington Traditional School, Maryland Heights; and Devin Kennedy, Evan McFarland, Alyssa Reyes and Erykah White were made honorary pages.

Senator Griesheimer introduced to the Senate, Karen Tucker, parents, teachers and fourteen fifth and sixth grade students from St. Ignatius Catholic School, Concord Hill.

Senator Bray introduced to the Senate, Assistant Principal Philip Rone, coaches Kelvin Lee, Doug Taylor and members of the Class 5 State Champion Chaminade High School “Red Devils” basketball team, St. Louis.

Senator Green introduced to the Senate, Germaine Stewart, adults and forty-one fourth grade students from Gibson Elementary School, St. Louis; and Kasey Taylor, Tyarra Todd and Trazaughn Watson were made honorary pages.

Senator Shields introduced to the Senate, Jenny Brown, Nicole Hinckley, Stephanie Jones and sixty-eight fourth grade students from Hyde Elementary School, St. Joseph.

Senator Scott introduced to the Senate, Chad Puckett and Janice Block, Jake Lampson, James Ritche, Jaclyn Jamison, Brandi Beaker and Christen Booth from the Show-Me Christian Youth Home, La Monte.

Senator Barnitz introduced to the Senate, Kathy Alexander and Donna McLinn, Crawford County.

Senator Goodman introduced to the Senate, thirty eighth grade students from Reeds Spring Middle School.

Senator Lembke introduced to the Senate, Madeline Peters, Affton; her daughter, Mary Anderson, and her children, Madison, Tori, Christopher and Jacob, Ballwin.

Senator Pearce introduced to the Senate, Athletic Director Jerry Hughes, Head Coach Kim Anderson and members of the University of Central Missouri men's basketball team, Tyler Oakley, Josiah Miller, Tyler Richardson, D.J. Slifer, Nathan Frazier, Victor Lee, Joe Young, Esian Henderson, Alex Moosmann, De'Andre Byrd, Sanijay Watts, Tremaine Luellen and Zach Redel.

Senator Scott introduced to the Senate, Dallas Dieckman, Ashley Renck, Kylie Dicket and Bailey O'Reilly, representatives of University of Central Missouri Collegiate Farm Bureau.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Jeffrey Craver, M.D., Clayton.

Senator Wright-Jones introduced to the Senate, former State Representative Quincy Troupe, St. Louis.

Senator Mayer introduced to the Senate, Brenda Hildrich, Naomi Yandell and Jim Swinger, Poplar Bluff.

Senator Wright-Jones introduced to the Senate, Alderwoman Kacie Starr Triplett and Alderman Antonio French, St. Louis.

Senator Shoemyer introduced to the Senate, his sister, Tammy Ratliff, Shelbina.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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SIXTY-FIRST DAY–WEDNESDAY, APRIL 29, 2009

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## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SCS for SB 558-Mayer (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 569-Lembke, with SCS

### HOUSE BILLS ON THIRD READING

HB 65-Wilson (119), et al (Pearce)  
(In Fiscal Oversight)

HCS for HB 82, with SCS (Pearce)  
(In Fiscal Oversight)

HCS for HB 205, with SCS (Goodman)  
HCS for HB 740 (Nodler)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)	SB 254-Barnitz, with SS (pending)
SB 18-Bray, et al, with SCS & SS for SCS (pending)	SBs 261, 159, 180 & 181-Bartle and Goodman, with SCS & SS#3 for SCS (pending)
SB 29-Stouffer	SB 264-Mayer
SBs 45, 212, 136, 278, 279, 285 & 288-Pearce and Smith, with SCS & SS#3 for SCS (pending)	SB 267-Mayer and Green, with SA 1 (pending)
SB 57-Stouffer, with SCS & SA 1 (pending)	SB 284-Lembke, et al, with SA 1 (pending)
SB 72-Stouffer, with SCS	SB 299-Griesheimer, with SCS & SS for SCS (pending)
SB 94-Justus, et al, with SCS & SS for SCS (pending)	SB 321-Days, et al, with SCS (pending)
SB 174-Griesheimer and Goodman, with SCS, SS#2 for SCS & SA 2 (pending)	SB 364-Clemens and Schaefer
SCS for SB 189-Shields	SB 409-Stouffer, with SCS (pending)
SBs 223 & 226-Goodman and Nodler, with SCS & SA 1 (pending)	SB 477-Wright-Jones, with SS (pending)
SB 228-Scott, with SCS, SS for SCS, SA 12, SSA 1 for SA 12 & SA 1 to SSA 1 for SA 12 (pending)	SB 527-Nodler and Bray
SB 236-Lembke	SB 555-Lager, with SCS, SS for SCS & SA 2 (pending)
	SB 572-Dempsey and Justus
	SJR 12-Scott, with SCS (pending)

## HOUSE BILLS ON THIRD READING

HCS for HBs 128 & 340, with SA 1 (pending) (Scott)	HCS for HB 481 (Lembke)
SS for HCS for HB 154 (Shields) (In Fiscal Oversight)	HB 488-Schad, et al, with SCS (pending) (Pearce)
HCS for HB 191, with SCS & SS for SCS (pending) (Griesheimer)	HCS for HB 495, with SCS, SS for SCS, SA 1, SSA 2 for SA 1 & SA 1 to SSA 2 for SA 1 (pending) (Griesheimer)
HB 229-Ervin, with SCS, SS for SCS, SA 8, SSA 1 for SA 8 & SA 1 to SSA 1 for SA 8 (pending) (Dempsey)	HB 659-Dusenberg, et al, with SCS (Bartle)
HB 287-Day, et al, with SS (pending) (Mayer)	HB 683-Schieffer, et al, with SCS (Stouffer)
SS for SCS for HB 376-Hobbs, et al (Griesheimer) (In Fiscal Oversight)	HB 709-Dusenberg, et al (Bartle)
	HCS for HJR 10 (Lembke)



CONSENT CALENDAR

House Bills

Reported 4/9

HCS for HB 251 (Clemens)  
HB 210-Deeken (Crowell)  
HB 400-Nasheed, et al (Smith)

HB 593-Viebrock (Crowell)  
HB 678-Wasson (Goodman)  
HB 537-Dixon, et al (Wright-Jones)

Reported 4/14

HB 83-Wood, with SCS (Goodman)  
HCS for HB 124 (McKenna)  
HB 282-Stevenson, et al (Nodler)  
HB 652-Pratt (Bartle)

HB 698-Zimmerman, et al (Schmitt)  
HCS for HB 895 (Stouffer)  
HB 918-Kelly (Schaefer)  
HB 919-Ruestman, et al (Goodman)

Reported 4/15

HCS for HB 525 (Schmitt)  
HCS for HB 231 (Rupp)  
HB 826-Brown (149), et al (Lembke)  
HCS for HB 685 (Goodman)  
HB 811-Wasson (Scott)  
HCS for HB 273 (Scott)  
HCS for HB 485 (Mayer)

HB 859-Dieckhaus, et al (Griesheimer)  
HB 283-Wood, with SCS (Goodman)  
HCS for HBs 234 & 493 (Shoemyer)  
HB 289-Wallace (Mayer)  
HB 373-Wallace, with SCS (Mayer)  
HB 490-Schad, et al (Pearce)  
HB 682-Swinger, et al (Mayer)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 307-Dempsey, with HCS, as amended  
SB 513-Dempsey, with HA 1, as amended

SB 526-Clemens, with HA 1, HA 2, HA 3 &  
HA 4

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SS for SCS (Nodler)  
HCS for HB 3, with SS for SCS (Nodler)

HCS for HB 4, with SCS (Nodler)  
HCS for HB 5, with SCS (Nodler)

HCS for HB 6, with SCS (Nodler)  
 HCS for HB 7, with SCS (Nodler)  
 HCS for HB 8, with SCS (Nodler)  
 HCS for HB 9, with SCS (Nodler)  
 HCS for HB 10, with SCS (Nodler)  
 HCS for HB 11, with SCS (Nodler)  
 HCS for HB 12, with SCS (Nodler)  
 HB 13-Icet, with SCS (Nodler)

HB 91-Pollock, with SCS (Purgason)  
 HCS for HB 148, with SCS#2 (Griesheimer)  
 HCS for HB 265, with SCS (Crowell)  
 HB 269-Parson, et al, with SCS, as  
 amended (Scott)  
 HCS for HB 397 & HCS for HB 947, with  
 SCS (Ridgeway)

#### Requests to Recede or Grant Conference

SCS for SB 242-Pearce, with HCS, as amended  
 (Senate requests House recede or grant  
 conference)

HB 395-Nance, et al, with SS for SCS, as  
 amended (Stouffer) (House requests  
 Senate recede or grant conference)

#### RESOLUTIONS

##### Reported from Committee

SR 141-Engler, with point of order  
 (pending)  
 SCR 7-Pearce  
 SR 207-Lembke and Smith, with SCS & SS  
 for SCS (pending)  
 SCR 11-Bartle, et al  
 SCR 14-Schmitt

SCR 21-Clemens  
 SCR 10-Rupp  
 SCR 18-Bartle and Rupp  
 SCR 23-Schmitt  
 HCS for HCR 16  
 SCR 13-Pearce  
 SCR 27-Rupp

##### To be Referred

SCR 28-Stouffer

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# Journal of the Senate

## FIRST REGULAR SESSION

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**SIXTY-FIRST DAY—WEDNESDAY, APRIL 29, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The height of the intellect is distinguishing between the real and the impossible, and submission to what is beyond one’s power.” (Ibn Gabirol)

As the clock continues to move on and limited time to complete what is possible we turn to You for Your help, O Lord. Give us the wisdom to know what is possible and what is not and how You will help us do what must be done. And guide us to do so with contemplation and trust in You and a desire to work together. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Purgason offered Senate Resolution No. 1006, regarding the One Hundredth Birthday of Leo Conroy, Mountain View, which was adopted.

Senator Green offered Senate Resolution No. 1007, regarding Gwendolyn Scales-Reed, Spanish Lake, which was adopted.

Senators Rupp and Dempsey offered Senate Resolution No. 1008, regarding Deborah J. Alessi, St. Charles, which was adopted.

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

April 28, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charlie Jo Ledgerwood, 706 Black Jack Drive, Cassville, Barry County, Missouri 65625, as a member of the Safe Drinking Water Commission, for a term ending September 01, 2012, and until her successor is duly appointed and qualified; vice, Randall Moore, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 28, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Elaine Powers, Democrat, 5123 Suson Oaks Court, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until her successor is duly appointed and qualified; vice, Claudette Scott-Rogers, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

## PRIVILEGED MOTIONS

Senator Dempsey moved that the Senate refuse to concur in **HCS** for **SS** for **SB 307**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Dempsey moved that the Senate refuse to concur in **HA 1**, as amended, to **SB 513** and request the

House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Stouffer moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 395**, as amended, and grant the House a conference thereon, and that the conferees be allowed to exceed the differences to add an implementation date of July 1, 2010, which motion prevailed.

Senator Nodler requested unanimous consent of the Senate to suspend the rules to allow the conferees on **HBs 2-13** to meet while the Senate is in session, which request was granted.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 397** and **HCS** for **HB 947**: Senators Ridgeway, Crowell, Lembke, Callahan and Wright-Jones.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HJR 10**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing sections 25(a), 25(d), and 25(e), of article V of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the appellate judicial commission.

Was called from the Informal Calendar and taken up by Senator Lembke.

Senator Dempsey assumed the Chair.

Senator Lembke offered **SS** for **HCS** for **HJR 10**, entitled:

#### **SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 10**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 25(a), 25(d), and 25(e), of article V of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to nonpartisan judicial commissions.

At the request of Senator Lembke, **HCS** for **HJR 10**, with **SS** (pending), was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 17**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2009 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Goodman, the Senate recessed until 2:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

### RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1009, regarding Jack L. Sterrett, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1010, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Burl Ragsdale, Millersville, which was adopted.

Senator Crowell offered Senate Resolution No. 1011, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth L. Siebert, Jackson, which was adopted.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 205**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 740**, entitled:

An Act to repeal sections 208.437, 208.480, 338.535, 338.550, and 633.401, RSMo, and to enact in lieu thereof five new sections relating to federal reimbursement allowances, with an emergency clause.

Was taken up by Senator Nodler.

Senator Nodler offered **SS** for **HCS** for **HB 740**, entitled:

#### SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 740

An Act to repeal sections 208.437, 208.480, 338.535, 338.550, and 633.401, RSMo, and to enact in lieu thereof fourteen new sections relating to federal reimbursement allowances, with an emergency clause and an expiration date for certain sections.

Senator Nodler moved that **SS** for **HCS** for **HB 740** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **HCS** for **HB 740** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Green	Griesheimer	Justus	Lager	Lembke	Mayer	Nodler
Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson	Wright-Jones—28				

#### NAYS—Senators—None

#### Absent—Senators

Days Goodman Purgason Scott—4

Absent with leave—Senators

Bartle McKenna—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators

Bartle McKenna—2

Vacancies—None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Lembke moved that **HCS** for **HJR 10**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **HCS** for **HJR 10** was again taken up.

Senator Stouffer assumed the Chair.

Senator Lager offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Joint Resolution No. 10, Page 3, Section 25 (d), Line 13, by striking the word “seven” and inserting in lieu thereof the following: “**eight**”; and further amend line 20 by striking all of said line and inserting in lieu thereof the following: “**additional two citizens, not members of the bar, nor the spouses of a**”.

Senator Lager moved that the above amendment be adopted, which motion prevailed on a standing division vote.

At the request of Senator Lembke, **HCS** for **HJR 10**, with **SS**, as amended (pending), was placed on the Informal Calendar.

### **INTRODUCTIONS OF GUESTS**

Senator Nodler introduced to the Senate, Diana Willard and her father Doctor Gaskin, Joplin.

Senator Shoemyer introduced to the Senate, Alexis Dodge, Rachel Duzan, Caleigh Remley, Olivia Harris and Tristan Hilpert, sixth grade students from Scotland County Elementary School.

Senator Clemens introduced to the Senate, teachers and twenty-five students from Marshfield Elementary, Junior and Senior High Schools.

Senator Crowell introduced to the Senate, students from Franklin Elementary School, Cape Girardeau.

Senator Bartle introduced to the Senate, coaches, Bill Shalley and Robert Shurman, diving instructors, Missy Jackson and Jennifer Marker and members of the 2008 State Champion Blue Springs High School swim and dive team.

Senator Griesheimer introduced to the Senate, Don Northington, Washington; and Lena Jacob and Frederick Braun, Germany.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Randall Mueller, M.D., Columbia.

Senator Smith introduced to the Senate, students from the Wyman Center, St. Louis.

Senator Mayer introduced to the Senate, Shanna Oudwig and Gayle Johnson, Parma; Susan Forshee and Quinton Tillman, Malden; Tammy Morgan, Dexter; and Clifton Hux, Poplar Bluff.

Senator Shields introduced to the Senate, Brad Moffat, Chris Turpin, Anita Jolly, Megan Carter and Steve Holdenreid, members of St. Joseph Youth Alliance.

Senator Scott introduced to the Senate, Kim Graver, Jake Smith, Heather Owen, Janeth Gonzalez, Katrina Justice, Amber Holloman, Kami Marquess and Nicole Cole, students from Whittier Alternative School, Sedalia.

Senator Scott introduced to the Senate, Wade Norton, Jill and Sage Peterson, McKenna Woolery, Baylee Siegel and Josh Goalder, students from Heber Hunt Elementary School, Sedalia.

Senator Scott introduced to the Senate, Betty Glasgow and Cara Gooch, Claudia Baer, Ally Francka, Bridgette Ayala and Sommer Edwards, members of Bolivar High School FCCLA.

Senator Champion introduced to the Senate, Dr. Jason Anderson, his wife, Rachelle, and their daughters, Cali, Cayden, Camryn and Carsyn; and Resha Paul, Springfield.

Senator Shoemyer introduced to the Senate, representatives of Monroe County Cattlemen's Association.

Senator Goodman introduced to the Senate, Erika Pluff, Zach Taillon, Don Haberman and Connie McGriff, Blue Eye.

Senator Stouffer introduced to the Senate, fourth grade students from Macon Elementary School.

Senator Shields introduced to the Senate, Bill Freund, Mary Ann Templeton, Melissa Springer and sixty eighth grade students from St. Therese School, Parkville; and Jill Kallenberger, Hayden Dickman and Taylor Keen were made honorary pages.

Senator Shields introduced to the Senate, Dan and Stephanie Batliner and their son, Bryce, Agency; and Bryce was made an honorary page.



On behalf of Sentor Dempsey, the President introduced to the Senate, fourth grade students from Academy of the Sacred Heart, St. Charles.

Senator Green introduced to the Senate, Rose Sigears, adults and thirty-five eighth grade students from St. Rose Philippine Duchesne, Florissant; and Lexi Belisle, Cody Engelmeyer, Mandi Keilholz and Anthony Okpagu were made honorary pages.

Senator Schmitt introduced to the Senate, adults and forty fourth grade students from Crestwood Elementary School.

Senator Pearce introduced to the Senate, members of Warrensburg Magic Me.

Senator Shields introduced to the Senate, Tracey Verduzco, Kris Larson, Joey Austin, Dave Bowlander and twenty fourth grade students from St. Joseph Christian School.

Senator Purgason introduced to the Senate, Ms. Jackson and fourth grade students from Willow Springs Elementary School.

On motion of Senator Engler, the Senate adjourned under the rules.

#### SENATE CALENDAR

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SIXTY-SECOND DAY—THURSDAY, APRIL 30, 2009

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#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 17

#### THIRD READING OF SENATE BILLS

SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

SB 569-Lembke, with SCS

#### HOUSE BILLS ON THIRD READING

HB 65-Wilson (119), et al (Pearce)  
(In Fiscal Oversight)

HCS for HB 82, with SCS (Pearce)  
(In Fiscal Oversight)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
 SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB 29-Stouffer  
 SBs 45, 212, 136, 278, 279, 285 &  
 288-Pearce and Smith, with SCS &  
 SS#3 for SCS (pending)  
 SB 57-Stouffer, with SCS & SA 1 (pending)  
 SB 72-Stouffer, with SCS  
 SB 94-Justus, et al, with SCS & SS for  
 SCS (pending)  
 SB 174-Griesheimer and Goodman, with  
 SCS, SS#2 for SCS & SA 2 (pending)  
 SCS for SB 189-Shields  
 SBs 223 & 226-Goodman and Nodler, with  
 SCS & SA 1 (pending)  
 SB 228-Scott, with SCS, SS for SCS, SA 12,  
 SSA 1 for SA 12 & SA 1 to SSA 1 for SA 12  
 (pending)

SB 236-Lembke  
 SB 254-Barnitz, with SS (pending)  
 SBs 261, 159, 180 & 181-Bartle and Goodman,  
 with SCS & SS#3 for SCS (pending)  
 SB 264-Mayer  
 SB 267-Mayer and Green, with SA 1 (pending)  
 SB 284-Lembke, et al, with SA 1 (pending)  
 SB 299-Griesheimer, with SCS & SS for SCS  
 (pending)  
 SB 321-Days, et al, with SCS (pending)  
 SB 364-Clemens and Schaefer  
 SB 409-Stouffer, with SCS (pending)  
 SB 477-Wright-Jones, with SS (pending)  
 SB 527-Nodler and Bray  
 SB 555-Lager, with SCS, SS for SCS & SA 2  
 (pending)  
 SB 572-Dempsey and Justus  
 SJR 12-Scott, with SCS (pending)

## HOUSE BILLS ON THIRD READING

HCS for HBs 128 & 340, with SA 1  
 (pending) (Scott)  
 SS for HCS for HB 154 (Shields)  
 (In Fiscal Oversight)  
 HCS for HB 191, with SCS & SS for SCS  
 (pending) (Griesheimer)  
 HCS for HB 205, with SCS (Goodman)  
 HB 229-Ervin, with SCS, SS for SCS, SA 8,  
 SSA 1 for SA 8 & SA 1 to SSA 1 for SA 8  
 (pending) (Dempsey)  
 HB 287-Day, et al, with SS (pending) (Mayer)  
 SS for SCS for HB 376-Hobbs, et al  
 (Griesheimer) (In Fiscal Oversight)

HCS for HB 481 (Lembke)  
 HB 488-Schad, et al, with SCS (pending)  
 (Pearce)  
 HCS for HB 495, with SCS, SS for SCS,  
 SA 1, SSA 2 for SA 1 & SA 1 to SSA 2  
 for SA 1 (pending) (Griesheimer)  
 HB 659-Dusenberg, et al, with SCS (Bartle)  
 HB 683-Schieffer, et al, with SCS (Stouffer)  
 HB 709-Dusenberg, et al (Bartle)  
 HCS for HJR 10, with SS (pending) (Lembke)

CONSENT CALENDAR

House Bills

Reported 4/9

HCS for HB 251 (Clemens)  
HB 210-Deeken (Crowell)  
HB 400-Nasheed, et al (Pearce)

HB 593-Viebrock (Crowell)  
HB 678-Wasson (Goodman)  
HB 537-Dixon, et al (Wright-Jones)

Reported 4/14

HB 83-Wood, with SCS (Goodman)  
HCS for HB 124 (McKenna)  
HB 282-Stevenson, et al (Nodler)  
HB 652-Pratt (Bartle)

HB 698-Zimmerman, et al (Schmitt)  
HCS for HB 895 (Stouffer)  
HB 918-Kelly (Schaefer)  
HB 919-Ruestman, et al (Goodman)

Reported 4/15

HCS for HB 525 (Schmitt)  
HCS for HB 231 (Rupp)  
HB 826-Brown (149), et al (Lembke)  
HCS for HB 685 (Goodman)  
HB 811-Wasson (Scott)  
HCS for HB 273 (Scott)  
HCS for HB 485 (Mayer)

HB 859-Dieckhaus, et al (Griesheimer)  
HB 283-Wood, with SCS (Goodman)  
HCS for HBs 234 & 493 (Shoemyer)  
HB 289-Wallace (Mayer)  
HB 373-Wallace, with SCS (Mayer)  
HB 490-Schad, et al (Pearce)  
HB 682-Swinger, et al (Mayer)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 526-Clemens, with HA 1, HA 2, HA 3 &  
HA 4

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SS for SCS (Nodler)

HCS for HB 3, with SS for SCS (Nodler)

HCS for HB 4, with SCS (Nodler)  
 HCS for HB 5, with SCS (Nodler)  
 HCS for HB 6, with SCS (Nodler)  
 HCS for HB 7, with SCS (Nodler)  
 HCS for HB 8, with SCS (Nodler)  
 HCS for HB 9, with SCS (Nodler)  
 HCS for HB 10, with SCS (Nodler)  
 HCS for HB 11, with SCS (Nodler)  
 HCS for HB 12, with SCS (Nodler)  
 HB 13-Icet, with SCS (Nodler)

HB 91-Pollock, with SCS (Purgason)  
 HCS for HB 148, with SCS#2 (Griesheimer)  
 HCS for HB 265, with SCS (Crowell)  
 HB 269-Parson, et al, with SCS, as  
     amended (Scott)  
 HB 395-Nance, et al, with SS for SCS, as  
     amended (Stouffer)  
 HCS for HB 397 & HCS for HB 947, with  
     SCS (Ridgeway)

#### Requests to Recede or Grant Conference

SCS for SB 242-Pearce, with HCS,  
     as amended  
     (Senate requests House  
     recede or grant conference)  
 SS for SB 307-Dempsey, with HCS,  
     as amended  
     (Senate requests House  
     recede or grant conference)

SB 513-Dempsey, with HA 1, as amended  
     (Senate requests House  
     recede or grant conference)

### RESOLUTIONS

#### Reported from Committee

SR 141-Engler, with point of order (pending)  
 SCR 7-Pearce  
 SR 207-Lembke and Smith, with SCS & SS  
     for SCS (pending)  
 SCR 11-Bartle, et al  
 SCR 14-Schmitt  
 SCR 21-Clemens

SCR 10-Rupp  
 SCR 18-Bartle and Rupp  
 SCR 23-Schmitt  
 HCS for HCR 16  
 SCR 13-Pearce  
 SCR 27-Rupp

#### To be Referred

SCR 28-Stouffer

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# Journal of the Senate

## FIRST REGULAR SESSION

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**SIXTY-SECOND DAY—THURSDAY, APRIL 30, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“He who loves brings God and the World together.” (Martin Buber)

As we work and travel this day let us do all things in love. May we return home with an attitude of gratefulness for those who love us and may we find ways to express our love for them. Let us be found in Your house of prayer and bring You and our world together with such love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KTVO-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Nodler requested unanimous consent of the Senate to suspend the rules for the purpose of

allowing the conferees on **HBs 2-13** to meet while the Senate is in Session, which request was granted.

### **RESOLUTIONS**

Senator Shields offered the following resolution:

#### **SENATE RESOLUTION NO. 1012**

Whereas, some observers of the Missouri Senate have noticed manifold problems associated with gavels this session; and

Whereas, in discussions with such an observer, Mr. Tom Rhoads of Joplin, Missouri, members of the Missouri Senate advised Mr. Rhoads of the instances in which a gavel handle split and the hammer of another gavel suddenly and with force flew off of the handle; and

Whereas, a proper gavel is integral for decorum and civil debate consistent with the dignity of the Missouri Senate; and

Whereas, Mr. Rhoads possesses woodworking skills sufficient to carve a gavel out of native Missouri cherry wood; and

Whereas, Mr. Rhoads in no way warrants the safety of this gavel nor that its use will improve decorum and civil exchange within this storied chamber:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fifth General Assembly, gladly and gratefully accept this gift of a gavel from Mr. Tom Rhoads for use by Lieutenant Governor Peter Kinder, President Pro Tem Charlie Shields, and all others who preside over the Missouri Senate; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Mr. Tom Rhoads as a measure of our appreciation for his time, effort, and skill in providing this essential tool.

Senator Shoemyer offered Senate Resolution No. 1013, regarding Christina Duzan, Memphis, which was adopted.

Senator Pearce offered Senate Resolution No. 1014, regarding the employees of Johnson County Central Dispatch, which was adopted.

Senator Mayer offered Senate Resolution No. 1015, regarding Lieutenant General Clyde Alan Vaughn, which was adopted.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **SB 513**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 242**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 307**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 296**, entitled:

An Act to repeal sections 105.711, 195.070, 195.100, 214.270, 214.276, 214.277, 214.280, 214.283,

214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.385, 214.387, 214.392, 214.400, 214.410, 214.455, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550, 324.001, 324.065, 324.068, 324.071, 324.077, 324.080, 324.086, 324.089, 324.139, 324.141, 324.212, 324.247, 324.415, 324.481, 324.487, 334.735, 334.850, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 338.010, 338.013, 338.057, 338.220, 338.337, 346.015, 346.045, 346.050, 346.070, 346.075, 346.080, 346.090, 346.095, 346.100, 346.105, 346.115, 346.125, and 376.811, RSMo, and to enact in lieu thereof ninety-one new sections relating to regulation of certain professions, with penalty provisions.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment Nos. 3, 4, 5, 6, 7, 8, 10 and 11.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 296, Section 338.337, Page 80, Line 16, by inserting after all of said section, the following:

**“338.575. 1. No licensed pharmacy in this state shall be required to perform, assist, recommend, refer to, or participate in any act or service in connection with any drug or device that is an abortifacient, including but not limited to the RU486 drug and emergency contraception such as the Plan B drug.**

**2. No civil or criminal cause of action shall accrue against a pharmacy due to a refusal to perform, assist, recommend, refer for, or participate in any act or service in accordance with subsection 1 of this section.**

**3. No board, commission, or other agency or instrumentality of this state shall deny, revoke, suspend, or otherwise discipline the license of a pharmacy, nor shall it impose any other condition of operation due to a refusal to perform, assist, recommend, refer for, or participate in any act or service in accordance with subsection 1 of this section.**

**4. No pharmacy shall be denied or discriminated against in eligibility for or the receipt of any public benefit, assistance, or privilege of any kind due to a refusal to perform, assist, recommend, refer for, or participate in any act or service in accordance with subsection 1 of this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to Senate Bill No. 296, Page 1, Line 14 by inserting immediately after the word “waiver” the following **“every five years or”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 296, Page 55, Section 334.735, Line 66, by deleting all of said line and inserting in lieu thereof the following: “renewal of such waiver;

**(6) If a waiver has been granted by the board of healing arts to a physician assistant working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no additional waiver shall be required, so long as the rural health clinic maintains its status as a rural**

**health clinic under such federal act, and such physician assistant and supervising physician comply with federal supervision requirements;**

**(7) A physician assistant shall only be required to seek a renewal of a waiver when his or her supervising physician is a different physician than the physician shown on the waiver application or they move their primary practice location more than ten miles from the location shown on the waiver application.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 296, Page 86, Line 45, by inserting immediately after said line the following:

Senate Bill No. 224, Section A, Page 1, Line 3 by inserting immediately after all of said section and line the following:

“347.183. In addition to the other powers of the secretary established in sections 347.010 to 347.187, the secretary shall, as is reasonably necessary to enable the secretary to administer sections 347.010 to 347.187 efficiently and to perform the secretary's duties, have the following powers including, but not limited to:

(1) The power to examine the books and records of any limited liability company to which sections 347.010 to 347.187 apply, and it shall be the duty of any manager, member or agent of such limited liability company having possession or control of such books and records, to produce such books and records for examination on demand of the secretary or his designated employee; except that no person shall be subject to any criminal prosecution on account of any matter or thing which may be disclosed by examination of any limited liability company books and records, which they may produce or exhibit for examination; or on account of any other matter or thing concerning which they may make any voluntary and truthful statement in writing to the secretary or his designated employee. All facts obtained in the examination of the books and records of any limited liability company, or through the voluntary sworn statement of any manager, member, agent or employee of any limited liability company, shall be treated as confidential, except insofar as official duty may require the disclosure of same, or when such facts are material to any issue in any legal proceeding in which the secretary or his designated employee may be a party or called as witness, and, if the secretary or his designated employee shall, except as provided in this subdivision, disclose any information relative to the private accounts, affairs, and transactions of any such limited liability company, he shall be guilty of a class C misdemeanor. If any manager, member or registered agent in possession or control of such books and records of any such limited liability company shall refuse a demand of the secretary or his designated employee, to exhibit the books and records of such limited liability company for examination, such person shall be guilty of a class B misdemeanor;

(2) The power to cancel or disapprove any articles of organization or other filing required under sections 347.010 to 347.187, if the limited liability company fails to comply with the provisions of sections 347.010 to 347.187 by failing to file required documents under sections 347.010 to 347.187, by failing to maintain a registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting any filing, by filing a required document containing a false statement, or by violating any section or sections of the criminal laws of Missouri, the federal government or any other state of the United States. Thirty days before such cancellation shall take effect, the secretary shall notify the limited liability company with



written notice, either personally or by certified mail, deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent in office, or to one of the limited liability company's members or managers. Written notice of the secretary's proposed cancellation to the limited liability company, domestic or foreign, shall specify the reasons for such action. The limited liability company may appeal this notice of proposed cancellation to the circuit court of the county in which the registered office of such limited liability company is or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy of the articles of organization or other relevant documents and a copy of the proposed written cancellation thereof by the secretary, such petition to be filed within thirty days after notice of such cancellation shall have been given, and the matter shall be tried by the court, and the court shall either sustain the action of the secretary or direct him to take such action as the court may deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action. The limited liability company may provide information to the secretary that would allow the secretary to withdraw the notice of proposed cancellation. This information may consist of, but need not be limited to, corrected statements and documents, new filings, affidavits and certified copies of other filed documents;

(3) The power to rescind cancellation provided for in subdivision (2) of this section upon compliance with either of the following:

(a) The affected limited liability company provides the necessary documents and affidavits indicating the limited liability company has corrected the conditions causing the proposed cancellation or the cancellation; or

(b) The limited liability company provides the correct statements or documentation that the limited liability company is not in violation of any section of the criminal code; and

(4) The power to charge late filing fees for any filing fee required under sections 347.010 to 347.187 and the power to impose civil penalties as provided in section 347.053. Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency;

**(5) (a) The power to administratively cancel an articles of organization if the limited liability company's period of duration stated in articles of organization expires.**

**(b) Not less than thirty days before such administrative cancellation shall take effect, the secretary shall notify the limited liability company with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent and office or to one of the limited liability company's managers or members.**

**(c) If the limited liability company does not timely file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number of years or perpetual, or demonstrate to the reasonable satisfaction of the secretary that the period of duration determined by the secretary is incorrect, within sixty days after service of the notice is perfected by posting with the United States Postal Service, then the secretary shall cancel the articles of organization by signing an administrative cancellation that recites the grounds for cancellation and its effective date. The secretary shall file the original of the administrative cancellation and serve a copy on the limited liability company as provided in section 347.051.**

**(d) A limited liability company whose articles of organization has been administratively cancelled continues its existence but may not carry on any business except that necessary to wind up and**

liquidate its business and affairs under section 347.147 and notify claimants under section 347.141.

(e) The administrative cancellation of an articles of organization does not terminate the authority of its registered agent.

(6) (a) The power to rescind an administrative cancellation and reinstate the articles of organization.

(b) Except as otherwise provided in the operating agreement, a limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number or perpetual.

(c) A limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may apply to the secretary for reinstatement. The applicant shall:

a. Recite the name of the limited liability company and the effective date of its administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, as applicable, and be accompanied by documentation satisfactory to the secretary evidencing the same;

c. State that the limited liability company's name satisfies the requirements of section 347.020;

d. Be accompanied by a reinstatement fee in the amount of one hundred dollars, or such greater amount as required by state regulation, plus any delinquent fees, penalties, and other charges as determined by the secretary to then be due.

(d) If the secretary determines that the application contains the information and is accompanied by the fees required in paragraph (c) of this subdivision and that the information and fees are correct, the secretary shall rescind the cancellation and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original articles of organization, and serve a copy on the limited liability company as provided in section 347.051.

(e) When the reinstatement is effective, it shall relate back to and take effect as of the effective date of the administrative cancellation of the articles of organization and the limited liability company may continue carrying on its business as if the administrative cancellation had never occurred.

(f) In the event the name of the limited liability company was reissued by the secretary to another entity prior to the time application for reinstatement was filed, the limited liability company applying for reinstatement may elect to reinstate using a new name that complies with the requirements of section 347.020 and that has been approved by appropriate action of the limited liability company for changing the name thereof.

(g) If the secretary denies a limited liability company's application for reinstatement following administrative cancellation of the articles of organization, he or she shall serve the limited liability company as provided in section 347.051 with a written notice that explains the reason or reasons for denial.

(h) The limited liability company may appeal a denial of reinstatement as provided for in subdivision (2) of this section.

(7) Subdivision (6) of this section shall apply to any limited liability company whose articles of

**organization was cancelled because such limited liability company's period of duration stated in the articles of organization expired on or after August 28, 2003.**

“359.681. In addition to the power and authority given the secretary of state by this chapter, the secretary of state or his designee shall have such further authority as is reasonably necessary to enable the secretary of state to administer this chapter efficiently and to perform the secretary of state's duties. This authority shall consist of, but is not limited to, the following powers:

(1) (a) The power to examine the books and records of any limited partnership to which this chapter applies, and it shall be the duty of any general partner or agent of such limited partnership to produce such books and records for examination on demand of the secretary of state or designated employee; provided, that no person shall be subject to any criminal prosecution on account of any matter or thing which may be disclosed by the examination of any limited partnership books, or records, which they may produce or exhibit for examination; or on account of any matter or thing concerning which they may make any voluntary and truthful statement in writing to the secretary of state, or designated employee. All facts obtained in the examination of the books and records of any limited partnership, or through voluntary sworn statement of any partner, agent, or employee of any limited partnership, shall be treated as confidential, except insofar as official duty may require the disclosure of same; or when such facts are material to any issue in any legal proceeding in which the secretary of state or designated employee may be a party or called as a witness, and, if the secretary of state or designated employee shall, except as herein provided, disclose any information relative to the private accounts, affairs, and transactions of any such limited partnership, he shall be deemed guilty of a class C misdemeanor.

(b) If any general partner, or registered agent, of any such limited partnership shall refuse the demand of the secretary of state, or designated employee, to exhibit the books and records of such limited partnership for examination, he, or they, shall be deemed guilty of a class B misdemeanor.

(2) (a) The power to cancel or disapprove any certificate of limited partnership or other filing required under this chapter, if the limited partnership fails to comply with the provisions of this chapter by failing to file required documents under this chapter by failing to maintain a registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting any filing, by filing a required document containing a false statement, or by violating any section or sections of the criminal laws of Missouri, the federal government or any other state of the United States. Thirty days before such cancellation shall take effect, the secretary of state shall notify the limited partnership with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited partnership's last registered agent and office or to one of the limited partnership's general partners. The written notice of the secretary of state's proposed cancellation to the limited partnership, domestic or foreign, will specify the reasons for such action.

(b) The limited partnership may appeal this notice of proposed cancellation to the circuit court of the county in which the registered office of such limited partnership is or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy of the certificate of limited partnership or other relevant documents and a copy of the proposed written cancellation thereof by the secretary of state, such petition to be filed within thirty days after notice of such cancellation shall have been given, and the matter shall be tried by the court, and the court shall either sustain the action of the secretary of state or direct him to take such action as the court may deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action.

(c) The limited partnership may provide information to the secretary of state that would allow the secretary of state to withdraw the notice of proposed cancellation. This information may consist of, but need not be limited to, corrected statements and documents, new filings, affidavits and certified copies of other filed documents.

(3) The power to rescind a cancellation provided for in subsection 2 of this section upon compliance with either of the following:

(a) The affected limited partnership provides the necessary documents and affidavits indicating the limited partnership has corrected the conditions causing the proposed cancellation or the cancellation;

(b) The limited partnership provides the correct statements or documentation that the limited partnership is not in violation of any section of the criminal code.

(4) The power to charge late filing fees for any filing fee required under this chapter. Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency.

**(5) (a) The power to administratively cancel a certificate of limited partnership if the limited partnership's period of duration stated in the certificate of limited partnership expires.**

**(b) Not less than thirty days before such administrative cancellation shall take effect, the secretary of state shall notify the limited partnership with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited partnership's last registered agent and office or to one of the limited partnership's general partners.**

**(c) If the limited partnership does not timely file a certificate of amendment in accordance with section 359.101 to extend the duration of the limited partnership, which may be any number of years or perpetual, or demonstrate to the reasonable satisfaction of the secretary of state that the period of duration determined by the secretary of state is incorrect, within sixty days after service of the notice is perfected by posting with the United States Postal Service, then the secretary of state shall cancel the certificate of limited partnership by signing a certificate of administrative cancellation that recites the grounds for cancellation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the limited partnership as provided in section 359.141.**

**(d) A limited partnership whose certificate of limited partnership has been administratively cancelled continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 359.471 and notify claimants under section 359.481.**

**(e) The administrative cancellation of a certificate of limited partnership does not terminate the authority of its registered agent.**

**(6) (a) The power to rescind an administrative cancellation and reinstate the certificate of limited partnership.**

**(b) Except as otherwise provided in the partnership agreement, a limited partnership whose certificate of limited partnership has been administratively cancelled under subdivision (5) of this section may file a certificate of amendment in accordance with section 359.101 to extend the duration of the limited partnership, which may be any number or perpetual.**

**(c) A limited partnership whose certificate of limited partnership has been administratively**

cancelled under subdivision (5) of this section may apply to the secretary of state for reinstatement. The applicant shall:

a. Recite the name of the limited partnership and the effective date of its administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, as applicable, and be accompanied by documentation satisfactory to the secretary of state evidencing the same;

c. State that the limited partnership's name satisfies the requirements of section 359.021;

d. Be accompanied by a reinstatement fee in the amount of one hundred dollars, or such greater amount as required by state regulation, plus any delinquent fees, penalties, and other charges as determined by the secretary of state to then be due.

(d) If the secretary of state determines that the application contains the information and is accompanied by the fees required in paragraph (c) of this subdivision and that the information and fees are correct, the secretary of state shall rescind the certificate of administrative cancellation and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original of the certificate, and serve a copy on the limited partnership as provided in section 359.141.

(e) When the reinstatement is effective, it shall relate back to and take effect as of the effective date of the administrative cancellation of the certificate of limited partnership and the limited partnership may continue carrying on its business as if the administrative cancellation had never occurred.

(f) In the event the name of the limited partnership was reissued by the secretary of state to another entity prior to the time application for reinstatement was filed, the limited partnership applying for reinstatement may elect to reinstate using a new name that complies with the requirements of section 359.021 and that has been approved by appropriate action of the limited partnership for changing the name thereof.

(g) If the secretary of state denies a limited partnership's application for reinstatement following administrative cancellation of the certificate of limited partnership, he or she shall serve the limited partnership as provided in section 359.141 with a written notice that explains the reason or reasons for denial.

(h) The limited partnership may appeal a denial of reinstatement as provided for in paragraph (b) of subdivision (2) of this section.

(7) Subdivision (6) of this section shall apply to any limited partnership whose certificate of limited partnership was cancelled because such limited partnership's period of duration stated in the certificate of limited partnership expired on or after August 28, 2003.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 296, Page 89, Section 376.811, Line 78, by inserting immediately after said line the following:

**“Section 1. Notwithstanding any provision of the law to the contrary, prior to the coordinating board for higher education, through the department of higher education, issuing a certificate of approval as defined in section 173.600, RSMo, to a medical school organized as a for-profit corporation, the board shall submit a study to the general assembly examining the need for medical schools in the state and the impact to the state certifying medical schools organized as a for-profit corporation.; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 296, Page 80, Section 338.337, Line 9 by inserting immediately after the word “Administration” the following:

**“, maintains current approval by the Food and Drug Administration,”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 296, Page 89, Section 376.811, Line 78, by inserting immediately after said line the following:

**“Section 1. Any person who provides teeth-whitening services to another person by use of products not readily available to the public through over-the-counter purchase shall be deemed to be engaging in the practice of dentistry. Licensed dental hygienists or dental assistants may apply teeth whitening formulations, but only under the appropriate level of supervision of a licensed dentist as established by rule. Any individual who take the dental impression of another person or who performs any phase of any operation incident to teeth whitening, including but not limited to the instruction or application of on-site-teeth-whitening materials or procedures, except under the appropriate level of supervision of a licensed dentist, shall be deemed to be engaging in the practice of dentistry.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 296, Section 334.850, Page 61, Line 31, by inserting after all of said line the following:

“335.212. As used in sections 335.212 to 335.242, the following terms mean:

- (1) “Board”, the Missouri state board of nursing;
- (2) “Department”, the Missouri department of health and senior services;
- (3) “Director”, director of the Missouri department of health and senior services;

(4) “Eligible student”, a resident who has been accepted as a full-time student in a formal course of instruction leading to an associate degree, a diploma, a bachelor of science, [or] a master of science in nursing [or leading to the completion of educational requirements for a licensed practical nurse] (M.S.N.), a doctorate in nursing (Ph.D. or D.N.P.), or a student with a master of science in nursing seeking a doctorate in education (Ed.D.), or leading to the completion of educational requirements for a licensed practical nurse. The doctoral applicant may be a part-time student;

- (5) “Participating school”, an institution within this state which is approved by the board for

participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242, having a nursing department and offering a course of instruction based on nursing theory and clinical nursing experience;

(6) “Qualified applicant”, an eligible student approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242;

(7) “Qualified employment”, employment on a full-time basis in Missouri in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in section 197.020, RSMo, or in any agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full-time basis may be prorated to reflect the amounts provided in this section;

(8) “Resident”, any person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 296, Page 54, Section 332.113, Line 35, by inserting immediately after said line the following:

“334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse’s skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, RSMo, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, RSMo; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in schedules III, IV, and V of section 195.017, RSMo, for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where

the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse; and

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's [prescribing practices] **delivery of health care services**. The description shall include provisions that the advanced practice registered nurse shall submit [documentation of] **a minimum of ten percent of the charts documenting** the advanced practice registered nurse's [prescribing practices] **delivery of health care services** to the collaborating physician [within] **for review every** fourteen days[. The documentation shall include, but not be limited to, a random sample review by the collaborating physician of at least twenty percent of the charts and medications prescribed.]; **and**

**(10) The collaborating physician shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number if charts required to be reviewed under subdivision (9) of this subsection.**

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, RSMo, may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription



or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197, RSMo, **or population based public health services as defined by 20 CRS 2150-5.100 as of April 30, 2008.**

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, RSMo.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, RSMo, or population-based public health services as defined by 20 CRS 2150-5.100 as of April 30, 2008.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020, RSMo, if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 296, Page 52, Section 327.442, Line 18, by inserting immediately after said line the following:

“328.115. 1. The owner of every [shop or] establishment in which the occupation of barbering is practiced shall obtain a license for such shop or establishment issued by the board before barbering is practiced therein. A new license shall be obtained for a barber establishment within forty-five days when the establishment changes ownership or location. The state inspector shall inspect the sanitary conditions required for licensure, established under subsection 2 of this section, for an establishment that has changed ownership or location without requiring the owner to close business or deviate in any way from the establishment's regular hours of operation.

2. The board shall issue a license for a [shop or] establishment upon receipt of the license fee from the applicant if the board finds that the [shop or] establishment complies with the sanitary regulations adopted pursuant to section 328.060. All barber establishments shall continue to comply with the sanitary regulations. Failure of a barber establishment to comply with the sanitary regulations shall be grounds for the board to file a complaint with the administrative hearing commission to revoke, suspend, or censure the establishment's license or place the establishment's license on probation.

3. The license for a barber establishment shall be renewable. The applicant for renewal of the license shall on or before the renewal date submit the completed renewal application accompanied by the required renewal fee. If the renewal application and fee are not submitted within thirty days following the renewal

date, a penalty fee plus the renewal fee shall be paid to renew the license. If a new establishment opens any time during the licensing period and does not register a license before opening, there shall be a delinquent fee in addition to the regular fee. The license shall be kept posted in plain view within the barber establishment at all times.

328.150. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter [161] **621**, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

328.160. Any person practicing the occupation of barbering without having obtained a license as provided in this chapter, or willfully employing a barber who does not hold a valid license issued by the board, managing or conducting a barber school or college without first securing a license from the board, or falsely pretending to be qualified to practice as a barber or instructor or teacher of such occupation under this chapter, or failing to keep any license required by this chapter properly displayed or for any extortion or overcharge practiced, and any barber college, firm, corporation or person operating or conducting a barber college without first having secured the license required by this chapter, or failing to comply with such sanitary rules as the board[, in conjunction with the department of health and senior services,] prescribes, or for the violation of any of the provisions of this chapter, shall be deemed guilty of a class C misdemeanor. Prosecutions under this chapter shall be initiated and carried on in the same manner as other prosecutions for misdemeanors in this state.

[328.030. A board of examiners consisting of four members, including one voting public member, shall be appointed by the governor, by and with the advice and consent of the senate. Each member of the board shall be a United States citizen, shall have been a resident of Missouri for one year and, except for the public member, shall have been a registered and practicing barber for the five years immediately preceding his or her initial appointment. The public member shall be a registered voter and a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure. Each member shall serve for a term of four years and until his or her successor is appointed and qualified, except that the successors to the members whose terms expire in 1981 shall consist of one member whose term shall be for two

years, one member whose term shall be for three years, and one member whose term shall be for four years. Each member shall take the oath provided by law for public officers. Vacancies on the board shall be filled by appointment by the governor.]

[328.040. The board shall annually elect from its number a president, vice president, and secretary-treasurer, shall have its headquarters in Jefferson City, Missouri, may employ such board personnel, as defined in subdivision (4) of subsection 16 of section 620.010, RSMo, as it shall deem necessary within the appropriation therefor. The board shall not create any expense exceeding the sum received from time to time as fees as provided by law, shall have a common seal, and the president and vice president shall have the power to administer oaths. A majority of the board, in meeting duly assembled, may perform the duties and exercise the powers devolving upon the board under the provisions of this chapter.]

[328.050. 1. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of his expenses necessarily incurred in the discharge of his official duties. All money payable under this chapter shall be collected by the division of professional registration in the department of insurance, financial institutions and professional registration which shall transmit them to the department of revenue for deposit in the state treasury to the credit of a "Board of Barbers Fund". Warrants shall be drawn upon the treasurer out of this fund only for the payment of the salaries, office and other necessary expenses of the board. A detailed statement of the expenses incurred by the board, approved by the secretary-treasurer of the board, shall be filed with the commissioner of administration before warrants are drawn for their payment.

2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.]

[328.060. 1. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

2. The board shall, with the approval of the department of health and senior services, prescribe such sanitary rules as it may deem necessary to prevent the creation and spread of infectious and contagious diseases. A copy of such rules shall be posted in a conspicuous place in every barber shop and barber school or college in this state.]

[328.140. There shall be kept a register, in which shall be entered the names of all persons to whom certificates are issued, and to whom permits for serving apprenticeship, or as students, under this chapter, and said register shall, at all reasonable times, be open to the public inspection.]

[329.180. There is hereby created and established a "State Board of Cosmetology" for the purpose of licensing all persons engaged in the practice of hair dressing, cosmetology and manicuring in this state. The board shall have control and supervision of the licensed occupations,

and enforcement of the terms and provisions of this chapter.]

[329.190. 1. The state board of cosmetology shall be composed of seven members, including one voting public member and one member who is a licensed school owner pursuant to subsection 1 of section 329.040, appointed by the governor with the advice and consent of the senate. The term of office of each member shall be four years.

2. The members of the board shall receive as compensation for their services the sum set by the board not to exceed fifty dollars for each day actually spent in attendance at meetings of the board, within the state, not to exceed forty-eight days in any calendar year, and in addition thereto they shall be reimbursed for all necessary expenses incurred in the performance of their duties as members of the board.

3. All members, except the public member, shall be cosmetologists and manicurists duly registered as such and licensed pursuant to the laws of this state, and shall be United States citizens and shall have been residents of this state for at least one year next preceding their appointments and shall have been actively engaged in the lawful practice of cosmetology for a period of at least five years. The public member shall be at the time of the person's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure. Any member who is a school owner shall not be allowed access to the testing and examination materials nor to attend the administration of the examinations, except when such member is being examined for licensure.]

[329.191. Notwithstanding the provisions of section 329.190, to the contrary, compensation of the state board of cosmetology shall not exceed seventy dollars for each day actually spent in attendance at meetings plus actual and necessary expenses.]

[329.200. The governor shall, by and with the advice and consent of the senate, fill any vacancies caused by the expiration of the term of office of any member of the board, and the governor shall also fill any vacancy caused by death, resignation or removal which may occur when the general assembly is not in session, but all such appointees shall continue in office only until the meeting of the general assembly next following such appointment and until their successors shall be appointed and qualified. All vacancies which may exist at or during the meeting of the general assembly caused by death, resignation or removal shall be filled in like manner as those created by the expiration of official terms and shall be only for the unexpired term of the person whose vacancy is to be filled.]

[329.210. 1. The board shall have power to:

(1) Prescribe by rule for the examinations of applicants for licensure to practice the classified occupation of cosmetology and issue licenses;

(2) Prescribe by rule for the inspection of cosmetology establishments and schools and appoint the necessary inspectors and examining assistants;

(3) Prescribe by rule for the inspection of establishments and schools of cosmetology as to their sanitary conditions and to appoint the necessary inspectors and, if necessary, examining assistants; and set the amount of the fees which this chapter authorizes and requires, by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering this chapter;

(4) Employ and remove board personnel, as defined in subdivision (4) of subsection 10 of section 324.001, RSMo, as may be necessary for the efficient operation of the board, within the limitations of its appropriation;

(5) Elect one of its members president, one vice president and one secretary;

(6) Determine the sufficiency of the qualifications of applicants; and

(7) Prescribe by rule the minimum standards and methods of accountability for the schools of cosmetology licensed pursuant to this chapter.

2. The board shall create no expense exceeding the sum received from time to time from fees imposed pursuant to this chapter.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.].

[329.220. At all meetings of the board two members shall be necessary to constitute a quorum for the transaction of business but no official action may be taken unless a majority of the whole board may vote therefor.]

[329.230. The board shall elect one of its members president, one vice president and one secretary, and shall have power to employ and remove such board personnel, as defined in subdivision (4) of subsection 16 of section 620.010, RSMo, as may be necessary for the efficient operation of the board, within the limitations of its appropriation, and to formulate rules and regulations governing its actions; provided, however, the board shall create no expense exceeding the sum received from time to time as fees as provided by law.]

[329.240. 1. All fees provided for in this chapter shall be payable to the director of the division of professional registration in the department of economic development who shall keep a record of the account showing the total payments received and shall immediately thereafter transmit them to the department of revenue for deposit in the state treasury to the credit of a fund to be known as the "State Board of Cosmetology Fund". All the salaries and expenses for the operation of the board shall be appropriated and paid from such fund.

2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this

fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 296, Section 346.125, Page 86, Line 45, by inserting after all of said line the following:

“376.421. 1. Except as provided in subsection 2 of this section, no policy of group health insurance shall be delivered in this state unless it conforms to one of the following descriptions:

(1) A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof. The policy may provide that the term “employees” shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships, if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term “employees” shall include the individual proprietor or partners if the employer is an individual proprietorship or partnership. The policy may provide that the term “employees” shall include retired employees, former employees and directors of a corporate employer. A policy issued to insure the employees of a public body may provide that the term “employees” shall include elected or appointed officials;

(b) The premium for the policy shall be paid either from the employer's funds or from funds contributed by the insured employees, or from both. Except as provided in paragraph (c) of this subdivision, a policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, except those who reject such coverage in writing; and

(c) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer in a policy insuring fewer than ten employees and in a policy insuring ten or more employees if:

a. Application is not made within thirty-one days after the date of eligibility for insurance; or

b. The person voluntarily terminated the insurance while continuing to be eligible for insurance under the policy; or

c. After the expiration of an open enrollment period during which the person could have enrolled for the insurance or could have elected another level of benefits under the policy;

(2) A policy issued to a creditor or its parent holding company or to a trustee or trustees or agent designated by two or more creditors, which creditor, holding company, affiliate, trustee, trustees or agent



shall be deemed the policyholder, to insure debtors of the creditor or creditors with respect to their indebtedness subject to the following requirements:

(a) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor or creditors, or all of any class or classes thereof. The policy may provide that the term “debtors” shall include:

a. Borrowers of money or purchasers or lessees of goods, services, or property for which payment is arranged through a credit transaction;

b. The debtors of one or more subsidiary corporations; and

c. The debtors of one or more affiliated corporations, proprietorships or partnerships if the business of the policyholder and of such affiliated corporations, proprietorships or partnerships is under common control;

(b) The premium for the policy shall be paid either from the creditor’s funds or from charges collected from the insured debtors, or from both. Except as provided in paragraph (c) of this subdivision, a policy on which no part of the premium is to be derived from funds contributed by insured debtors specifically for their insurance must insure all eligible debtors;

(c) An insurer may exclude any debtors as to whom evidence of individual insurability is not satisfactory to the insurer in a policy insuring fewer than ten debtors and in a policy insuring ten or more debtors if:

a. Application is not made within thirty-one days after the date of eligibility for insurance; or

b. The person voluntarily terminated the insurance while continuing to be eligible for insurance under the policy; or

c. After the expiration of an open enrollment period during which the person could have enrolled for the insurance or could have elected another level of benefits under the policy;

(d) The total amount of insurance payable with respect to an indebtedness shall not exceed the greater of the scheduled or actual amount of unpaid indebtedness to the creditor. The insurer may exclude any payments which are delinquent on the date the debtor becomes disabled as defined in the policy;

(e) The insurance may be payable to the creditor or to any successor to the right, title, and interest of the creditor. Such payment or payments shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of each such payment and any excess of insurance shall be payable to the insured or the estate of the insured;

(f) Notwithstanding the preceding provisions of this subdivision, insurance on agricultural credit transaction commitments may be written up to the amount of the loan commitment, and insurance on educational credit transaction commitments may be written up to the amount of the loan commitment less the amount of any repayments made on the loan;

(3) A policy issued to a labor union or similar employee organization, which shall be deemed to be the policyholder, to insure members of such union or organization for the benefit of persons other than the union or organization or any of its officials, representatives, or agents, subject to the following requirements:

(a) The members eligible for insurance under the policy shall be all of the members of the union or organization, or all of any class or classes thereof;

(b) The premium for the policy shall be paid either from funds of the union or organization or from funds contributed by the insured members specifically for their insurance, or from both. Except as provided

in paragraph (c) of this subdivision, a policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, except those who reject such coverage in writing;

(c) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer in a policy insuring fewer than ten members and in a policy insuring ten or more members if:

a. Application is not made within thirty-one days after the date of eligibility for insurance; or

b. The person voluntarily terminated the insurance while continuing to be eligible for insurance under the policy; or

c. After the expiration of an open enrollment period during which the person could have enrolled for the insurance or could have elected another level of benefits under the policy;

(4) A policy issued to a trust, or to the trustee of a fund, established or adopted by two or more employers, or by one or more labor unions or similar employee organizations, or by one or more employers and one or more labor unions or similar employee organizations, which trust or trustee shall be deemed the policyholder, to insure employees of the employers or members of the unions or organizations for the benefit of persons other than the employers or the unions or organizations, subject to the following requirements:

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions or organizations, or all of any class or classes thereof. The policy may provide that the term “employees” shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term “employees” shall include the individual proprietor or partners if the employer is an individual proprietorship or partnership. The policy may provide that the term “employees” shall include retired employees, former employees and directors of a corporate employer. The policy may provide that the term “employees” shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship;

(b) The premium for the policy shall be paid from funds contributed by the employer or employers of the insured persons or by the union or unions or similar employee organizations, or by both, or from funds contributed by the insured persons or from both the insured persons and the employer or union or similar employee organization. Except as provided in paragraph (c) of this subdivision, a policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance, must insure all eligible persons except those who reject such coverage in writing;

(c) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer;

(5) A policy issued to an association or to a trust or to the trustees of a fund established, created and maintained for the benefit of members of one or more associations. The association or associations shall have at the outset a minimum of fifty members; shall have been organized and maintained in good faith for purposes other than that of obtaining insurance; shall have been in active existence for at least two years; shall have a constitution and bylaws which provide that the association or associations shall hold regular meetings not less than annually to further the purposes of the members; shall, except for credit unions,

collect dues or solicit contributions from members; and shall provide the members with voting privileges and representation on the governing board and committees. The policy shall be subject to the following requirements:

(a) The policy may insure members of such association or associations, employees thereof, or employees of members, or one or more of the preceding, or all of any class or classes thereof for the benefit of persons other than the employee's employer;

(b) The premium for the policy shall be paid from funds contributed by the association or associations or by employer members, or by both, or from funds contributed by the covered persons or from both the covered persons and the association, associations, or employer members;

(c) Except as provided in paragraph (d) of this subdivision, a policy on which no part of the premium is to be derived from funds contributed by the covered persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing;

(d) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer;

(e) If the health benefit plan, as defined in section 376.1350, is delivered, issued for delivery, continued or renewed, is providing coverage to any resident of this state, and is providing coverage to [both] **sole proprietors, self-employed persons**, small employers as defined in subsection 2 of section 379.930, RSMo, and large employers, the insurer providing the coverage to the association or trust or trustees of a fund established, created, and maintained for the benefit of members of one or more associations may be exempt from subdivision (1) of subsection 1 of section 379.936, RSMo, as it relates to the association plans established under this section. The director shall find that an exemption would be in the public interest and approved and that additional classes of business may be approved under subsection 4 of section 379.934, RSMo, if the director determines that the health benefit plan:

a. Is underwritten and rated as a single employer;

b. Has a uniform health benefit plan design option or options for all participating association members or employers;

c. Has guarantee issue to all association members and all eligible employees, as defined in subsection 2 of section 379.930, RSMo, of any participating association member company; and

d. Complies with all other federal and state insurance requirements, including but not limited to the small employer health insurance and availability act under sections 379.930 to 379.952, RSMo;

(6) A policy issued to a credit union or to a trustee or trustees or agent designated by two or more credit unions, which credit union, trustee, trustees or agent shall be deemed the policyholder, to insure members of such credit union or credit unions for the benefit of persons other than the credit union or credit unions, trustee or trustees, or agent or any of their officials, subject to the following requirements:

(a) The members eligible for insurance shall be all of the members of the credit union or credit unions, or all of any class or classes thereof;

(b) The premium for the policy shall be paid by the policyholder from the credit union's funds and, except as provided in paragraph (c) of this subdivision, must insure all eligible members;

(c) An insurer may exclude or limit the coverage on any member as to whom evidence of individual

insurability is not satisfactory to the insurer;

(7) A policy issued to cover persons in a group where that group is specifically described by a law of this state as one which may be covered for group life insurance. The provisions of such law relating to eligibility and evidence of insurability shall apply.

2. Group health insurance offered to a resident of this state under a group health insurance policy issued to a group other than one described in subsection 1 of this section shall be subject to the following requirements:

(1) No such group health insurance policy shall be delivered in this state unless the director finds that:

(a) The issuance of such group policy is not contrary to the best interest of the public;

(b) The issuance of the group policy would result in economies of acquisition or administration; and

(c) The benefits are reasonable in relation to the premiums charged;

(2) No such group health insurance coverage may be offered in this state by an insurer under a policy issued in another state unless this state or another state having requirements substantially similar to those contained in subdivision (1) of this subsection has made a determination that such requirements have been met;

(3) The premium for the policy shall be paid either from the policyholder's funds, or from funds contributed by the covered persons, or from both;

(4) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

3. As used in this section, insurer shall have the same meaning as the definition of health carrier under section 376.1350, and "class" means a predefined group of persons eligible for coverage under a group insurance policy where members of a class represent the same or essentially the same hazard; except that, an insurer may offer a policy to an employer that charges a reduced premium rate or deductible for employees who do not smoke or use tobacco products as authorized under section 290.145, RSMo, and such insurer shall not be considered to be in violation of any unfair trade practice, as defined in section 379.936, RSMo, even if only some employers elect to purchase such a policy and other employers do not."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 171**, entitled:

An Act to repeal sections 92.047, 311.020, 311.055, 311.060, 311.070, 311.090, 311.181, 311.182, 311.195, 311.200, 311.211, 311.212, 311.218, 311.260, 311.265, 311.280, 311.290, 311.300, 311.332, 311.333, 311.334, 311.335, 311.336, 311.338, 311.360, 311.480, 311.482, 311.485, 311.486, 311.487, 311.490, 311.520, 311.610, 311.630, 311.665, 311.680, 311.685, 311.722, 312.010, 312.020, 312.030, 312.040, 312.050, 312.060, 312.070, 312.080, 312.090, 312.100, 312.110, 312.120, 312.130, 312.140, 312.150, 312.160, 312.170, 312.180, 312.190, 312.200, 312.210, 312.220, 312.230, 312.233, 312.235, 312.237, 312.270, 312.280, 312.290, 312.300, 312.310, 312.320, 312.330, 312.340, 312.350, 312.360, 312.370, 312.380, 312.390, 312.400, 312.405, 312.407, 312.410, 312.420, 312.430, 312.440, 312.450,

312.460, 312.470, 312.480, 312.484, 312.490, 312.500, 312.510, 313.075, 313.340, 313.665, 313.840, 571.107, and 650.005, RSMo, and to enact in lieu thereof forty-four new sections relating to liquor control, with penalty provisions.

With part 1 of HCS, House Amendment No. 1, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment No. 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6, as amended to part 3 of HCS and part 3 of HCS, as amended, adopted.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 171, Section 311.260, Page 19, Line 8 by enclosing in brackets the word “three” on said Line and inserting immediately thereafter the word: “**five**”; and

Further amend said Section, Page 19, Line 11 by enclosing in brackets the word “three” on said Line and inserting immediately thereafter the word: “**five**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Bill No. 171, Page 1, Line 8 by inserting the following after all of said line:

“Further amend said Section, Page 38, Line 136, by inserting the following after all of said line:

**“3. Any person issued a concealed carry endorsement and residing on the property of any higher education institution shall obtain a secure locker in which to store the person’s firearm when not in use.”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

AMEND House Committee Substitute for Senate Bill No. 171, Section 571.107, Page 36, Line 70 by enclosing in brackets the phrase “higher education institution or” on said Line; and

Further amend said Section, Page 36, Lines 71 by enclosing in brackets on said Line the phrase “the governing body of the higher education institution”; and

Further amend said Section, Page 36, Lines 72 and 73 by enclosing in brackets on said Lines the phrase: “higher education institution or”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 171, Section 311.335, Page 23, Line 30 by removing from said Line the word: “**such**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 6

AMEND House Amendment No. 6 to House Committee Substitute for Senate Bill No. 171, Page 1, Section 1, Line 9, by inserting after said line the following:

“Section 2. A person commits the crime of unlawful use of a weapon if he or she possesses illegal drugs that are sufficient for a felony conviction under the laws of this state while also in possession of a weapon. Knowledge of the quantity of illegal drugs possessed shall not be necessary for a conviction of unlawful use of a weapon under this section.”.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 171, Page 40, Section 650.005, Line 81, by inserting after all of said line the following:

**“Section 1. The sheriff or chief of police of the city of residence of a person purchasing any firearm, defined by the National Firearms Act, 26 U.S.C. 5845 et seq., shall execute within ten business days of any request all documents required to be submitted by the purchaser if the purchaser is not prohibited from possessing firearms.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 154**, entitled:

An Act to repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer companies.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 563**, entitled:

An Act to repeal sections 86.200, 86.237, 86.257, 86.260, 86.263, 86.270, 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof twenty new sections relating to public employee retirement systems.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 157**, entitled:

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to autism as addressed by the division of developmental disabilities.

With House Perfecting Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157, Page 1, Section 633.220, Lines 14-16 by deleting all of said lines and inserting in lieu thereof the following:

**“(e) Flexible and varied to meet the changing needs of the family members; and  
(f) Provided in a timely manner contingent upon the availability of resources;”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 147**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Missouri healthy workplace recognition program.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 338**, entitled:

An Act to repeal sections 191.225, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.037, 595.040, 595.045, 595.060, and 595.209, RSMo, and to enact in lieu thereof thirteen new sections relating to crime victims, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 435**, entitled:

An Act to repeal sections 630.110, 630.407, 632.489, and 632.495, RSMo, and to enact in lieu thereof four new sections relating to sexually violent predators.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 47**, entitled:

An Act to repeal sections 43.060, 57.010, 306.227, and 590.030, RSMo, and to enact in lieu thereof four new sections relating to certain law enforcement personnel.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 232**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 394**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 398**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 156**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 277**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 202**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS No. 2** for **HCS** for **HB 148**. Representatives: Franz, Brown (30), Denison, Skaggs and Hummel.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 265**. Representatives: Franz, Viebrock, Fisher (125), Yaeger and Schoemehl.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 242**, as amended. Representatives: Jones (89), Scharnhorst, Icet, Roorda and Holsman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker



has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 307**, as amended. Representatives: Schaaf, Jones (89), Bruns, Kirkton and Talboy.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 395**, as amended. Representatives: Nance, Wilson (130), Bruns, Roorda and Wildberger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 21**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 307**, as amended: Senators Dempsey, Mayer, Goodman, Shoemyer and Smith.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SB 513**, as amended: Senators Dempsey, Griesheimer, Rupp, Callahan and Shoemyer.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 242**, as amended: Senators Pearce, Dempsey, Griesheimer, Green and Barnitz.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 205**, with **SCS**, entitled:

An Act to amend chapter 320, RSMo, by adding thereto nine new sections relating to reduced ignition propensity cigarettes, with penalty provisions and an effective date.

Was called from the Informal Calendar and taken up by Senator Goodman.

**SCS** for **HCS** for **HB 205**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 205**

An Act to amend chapter 320, RSMo, by adding thereto nine new sections relating to reduced ignition propensity cigarettes, with penalty provisions and an effective date.

Was taken up.

Senator Goodman moved that **SCS** for **HCS** for **HB 205** be adopted.

Senator Goodman offered **SS** for **SCS** for **HCS** for **HB 205**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 205

An Act to amend chapter 320, RSMo, by adding thereto nine new sections relating to reduced ignition propensity cigarettes, with penalty provisions and an effective date.

Senator Goodman moved that **SS** for **SCS** for **HCS** for **HB 205** be adopted, which motion prevailed.

On motion of Senator Goodman, **SS** for **SCS** for **HCS** for **HB 205** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Green—1

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 659**, with **SCS**, introduced by Representative Dusenberg, et al, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the transition of school governance.

Was called from the Informal Calendar and taken up by Senator Bartle.

**SCS** for **HB 659**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 659

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the transition of school governance.

Was taken up.

Senator Pearce assumed the Chair.

Senator Bartle moved that **SCS** for **HB 659** be adopted.

Senator Wilson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 659, Page 2, Section 162.083, Line 26, by inserting after all of said line the following:

**“6. During the legislative interim between the first regular session of the ninety-fifth general assembly through January 29, 2010, of the second regular session of the ninety-fifth general assembly, the joint committee on education shall study the issue of governance in any urban school district in the state of Missouri. In studying this issue, the joint committee may solicit input and information necessary to fulfill its obligation, including but not limited to soliciting input and information from any state department, state agency, school district, political subdivisions of the state, teachers, administrators, school board members, all interested parties concerned about governance within urban school districts, and the general public. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the general assembly by January 29, 2010.”.**

Senator Wilson moved that the above amendment be adopted.

At the request of Senator Bartle, **HB 659**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**HB 709**, introduced by Representative Dusenberg, et al, entitled:

An Act to repeal section 115.163, RSMo, and to enact in lieu thereof one new section relating to voter identification.

Was called from the Informal Calendar and taken up by Senator Bartle.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 709, Page 1, Section 115.163, Line 11, by striking the word “postcard” and inserting in lieu thereof the following: “**mail**”; and further amend line 13 by inserting immediately after the period “.” the following: “**The election authority shall send to each voter who registered by mail and has not voted, the verification notice required under section 115.155 no later than ninety days prior to the date of a primary or general election for federal office.**”; and

Further amend said bill and section, page 2, line 17, by striking the word “postcard” and inserting in lieu thereof the following: “**mail**”; and further amend line 19, by striking the word “postcard” and inserting in lieu thereof the following: “**mail**”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Bartle, **HB 709**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Lee A. Bascom, John F. Mantovani and Janet E. Farmer, as members of the Missouri Commission on Autism Spectrum Disorders;

Also,

Shera R. Kafka, Barbara C. Kuebler, Anne M. Bethune and Dawn M. Fuller, as members of the Child Abuse and Neglect Review Board;

Also,

Nicole L. Loethen, as a member of the Missouri Consolidated Health Care Plan Board of Trustees;

Also,

Diza A. Eskridge, as a member of the Missouri Western State University Board of Governors;

Also,

James L. Mathewson, as a member of the Missouri Gaming Commission;

Also,

Diana L. Willard, as a member of the Missouri Planning Council for Developmental Disabilities;

Also,

Christopher M. Manhart, as a member of the Missouri Quality Home Care Council;

Also,

Lynne M. Cooper, as a member of the Children's Trust Fund Board;

Also,

James K. Reinhard, as a member of the State Board of Embalmers and Funeral Directors.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 745**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HBs 320, 39** and **662**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 86**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 580**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 716**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HBs 46** and **434**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 152**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 62**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HBs 658** and **706**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 734**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 246**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Nodler, Chairman of the Committee on Appropriations, Senator Engler submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 15**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HJR 32**, begs leave to report that it has considered the same and recommends that the joint resolution do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Joint Resolution No. 32, Page 1, Section 37 (i), Line 3, by striking the word “seven” and inserting in lieu thereof the following: “**eight**”; and further amend line 4, by inserting immediately after “funds for” the following: “**the construction of state buildings, facilities, and projects for purposes other than higher education and**”; and further amend line 8, by inserting immediately after “buildings.” the following: “**No more than two hundred fifty million dollars of the proceeds shall be allocated for the construction of state buildings, facilities, and projects for purposes other than higher education.**”; and

Further amend said bill and section, page 2, line 15, by striking “bond and interest”.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **HB 30**, begs leave

to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HB 218**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 863**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 909**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 299**, begs leave to report that it has considered the same and recommends that the bill do pass.

### PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SB 171**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### CONCURRENT RESOLUTIONS

Senator Rupp moved that **SCR 27** be taken up for adoption, which motion prevailed.

Senator Callahan offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 27, as it appears on Page 1044 of the Senate Journal for Thursday, April 16, 2009, Line 4 of said journal page, by inserting after all of said line the following:

**“(3) Determining whether the funds received from the American Recovery and Reinvestment Act, as passed by the 111th United States Congress, may be utilized to buy back a portion of the state’s unredeemed tax credits at a discounted rate;”**; and

Further renumber the remaining subdivisions accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Rupp, **SCR 27**, as amended, was adopted by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

### HOUSE BILLS ON THIRD READING

**HB 683**, with **SCS**, introduced by Representative Schieffer, et al, entitled:

An Act to repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to temporary license plates.

Was called from the Informal Calendar and taken up by Senator Stouffer.

**SCS** for **HB 683**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 683

An Act to repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to license plates.

Was taken up.

Senator Stouffer moved that **SCS** for **HB 683** be adopted.

Senator Griesheimer assumed the Chair.

Senator Stouffer offered **SS** for **SCS** for **HB 683**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 683

An Act to repeal sections 21.795, 32.063, 136.055, 142.800, 144.060, 144.070, 226.030, 260.750, 301.010, 301.032, 301.131, 301.140, 301.150, 301.280, 301.290, 301.310, 301.420, 301.440, 301.562, 301.716, 302.302, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 304.155, 304.170, 304.260, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 387.040, 476.385, 556.021, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof seventy new sections relating to transportation, with penalty provisions and an emergency clause for certain sections.

Senator Stouffer moved that **SS** for **SCS** for **HB 683** be adopted.

Senator Shields offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 683, Page 137, Section 307.198, Line 6 of said page, by inserting immediately after said line the following:

“307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) [New] Motor vehicles [which have not been previously titled and registered], for the [two-year] **five-year** period following their model year of manufacture, **excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject to the provisions of section 307.380**;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such



vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo;

**(4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than twelve months;**

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.""; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 683, Page 113, Section

302.775, Line 27 of said page, by inserting after all of said line the following:

**“304.034. 1. Notwithstanding any other law to the contrary, the governing body of any municipality may by resolution or ordinance allow persons to operate golf carts or motorized wheelchairs upon any street or highway under the governing body's jurisdiction. A golf cart or motorized wheelchair shall not be operated at any time on any state or federal highway, but may be operated upon such highway in order to cross a portion of the state highway system which intersects a municipal street. No golf cart or motorized wheelchair shall cross any highway at an intersection where the highway being crossed has a posted speed limit of more than forty-five miles per hour.**

**2. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body. Golf carts are not subject to the registration provisions of chapter 301, RSMo.**

**3. As used in this section, a “golf cart” means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty miles per hour.”; and**

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 3:**

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 683, Page 27, Section 142.800, Line 6 of said page, by inserting immediately after said line the following:

**“144.054. 1. As used in this section, the following terms mean:**

**(1) “Processing”, any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;**

**(2) “Recovered materials”, those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.**

**2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085, RSMo, and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.**

**3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo,**

and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, RSMo, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

**4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669, RSMo.”; and**

Further amend said bill, Page 42, Section 227.410, Line 1 of said page, by inserting after all of said line the following:

“227.600. 1. Sections 227.600 to 227.669 shall be known and may be cited as the “Missouri Public-Private Partnerships Transportation Act”.

2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise, the following terms mean:

- (1) “Commission”, the Missouri highways and transportation commission;
- (2) “Comprehensive agreement”, the final binding written comprehensive project agreement between a private partner and the commission required in section 227.621 to finance, develop, and/or operate the project;
- (3) “Department”, the Missouri department of transportation;
- (4) “Develop” or “development”, to plan, locate, relocate, establish, acquire, lease, design, or construct;
- (5) “Finance”, to fund the costs, expenses, liabilities, fees, profits, and all other charges incurred to finance, develop, and/or operate the project;
- (6) “Interim agreement”, a preliminary binding written agreement between a private partner and the commission that provides for completion of studies and any other activities to advance the financing, development, and/or operation of the project required by section 227.618;
- (7) “Material default”, any uncured default by a private partner in the performance of its duties that jeopardizes adequate service to the public from the project as determined by the commission;

(8) “Operate” or “operation”, to improve, maintain, equip, modify, repair, administer, or collect user fees;

(9) “Private partner”, any natural person, corporation, partnership, limited liability company, joint venture, business trust, nonprofit entity, other business entity, or any combination thereof;

(10) “Project”, [a bridge to be owned by the commission and the Illinois department of transportation or any other suitable public body of the state of Illinois, which is located across the boundaries of the state of Illinois and the state of Missouri in a city not within a county to be financed, developed, and/or operated under agreement between the commission, a private partner, the Illinois department of transportation, and, if appropriate, any other suitable public body of the state of Illinois] **includes any pipeline, ferry, river port, airport, railroad, light rail or other mass transit facility, to be financed, developed, and/or operated under agreement between the commission and a private partner;**

(11) “Public use”, a finding by the commission that the project to be financed, developed, and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed as a necessary addition to the state highway system **or state transportation system;**

(12) “Revenues”, include but are not limited to the following which arise out of or in connection with the financing, development, and/or operation of the project:

- (a) Income;
- (b) Earnings;
- (c) Proceeds;
- (d) User fees;
- (e) Lease payments;
- (f) Allocations;
- (g) Federal, state, and local moneys; or
- (h) Private sector moneys, grants, bond proceeds, and/or equity investments;

(13) “State”, the state of Missouri;

(14) “State highway system”, the state system of highways and bridges planned, located, relocated, established, acquired, constructed, and maintained by the commission under section 30(b), article IV, Constitution of Missouri;

(15) **“State transportation system”, the state system of nonhighway transportation programs, including, but not limited to aviation, transit and mass transportation, railroads, ports, waterborne commerce, freight and intermodal connections;**

(16) “User fees”, tolls, fees, or other charges authorized to be imposed by the commission and collected by the private partner for the use of all or a portion of a project under a comprehensive agreement.

227.615. The commission may by commission minute approve the project if the commission determines the project will improve and is a needed addition to the state highway system **or the state transportation system.**

227.630. The private partner shall have the following powers:

(1) To contract with a federal agency, a state or its agencies and political subdivisions, the commission, a local or regional transportation authority, a corporation, a partnership, or any person to finance, develop, and/or operate the project;

(2) To lease or acquire any right to use or finance, develop, and/or operate the project with the length of any term to be established in the comprehensive agreement;

(3) **Upon completion of the project**, to collect user fees in connection with the use of the project by the traveling public **or the direct beneficiaries of the project**. The collection and enforcement of such user fees shall be consistent with sections 227.660 and 227.666;

(4) To borrow money for project purposes at such rates or interest as the private partner may determine; and

(5) Any other powers delegated to such private partner in the comprehensive agreement with the commission.

**227.646. Any revenues received under sections 227.600 to 227.669 shall be exempt from any tax on income imposed by any law of this state.”; and**

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 4**, which was read:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 683, Page 13, Section 136.055, Lines 22-25, by striking all of said lines and inserting in lieu thereof the following:

“under this section through a competitive bidding process. The”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Wright-Jones offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 683, Page 42, Section 227.410, Line 1 of said page, by inserting immediately after said line the following:

“238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

(1) “Board”, the board of directors of a district;

(2) “Commission”, the Missouri highways and transportation commission;

(3) “District”, a transportation development district organized under sections 238.200 to 238.275;

(4) “Local transportation authority”, a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;

(5) “Project” includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or

river port, airport, railroad, light rail, [or other mass transit] **public mass transportation system** and any similar or related **operation**, improvement or infrastructure;

(6) **“Public mass transportation system”**, a transportation system or systems owned and operated by an interstate transportation authority, a municipality, a city transit authority, or a city utilities board, employing motor buses, rails, or any other means of conveyance, by whatsoever type of power, operated for public use in the conveyance of persons, mainly providing local transportation service within an interstate transportation district or municipality.

2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.200 to 238.275, the following terms shall have the meanings given:

(1) “Approval of the required majority” or “direct voter approval”, a simple majority;

(2) “Qualified electors”, “qualified voters” or “voters”:

(a) Within a proposed or established district, except for a district proposed under subsection 1 of section 238.207, any persons residing therein who have registered to vote pursuant to chapter 115, RSMo; or

(b) Within a district proposed or established under subsection 1 of section 238.207 which has no persons residing therein who have registered to vote pursuant to chapter 115, RSMo, the owners of record of all real property located in the district, who shall receive one vote per acre, provided that if a registered voter subsequent to the creation of the district becomes a resident within the district and obtains ownership of property within the district, such registered voter must elect whether to vote as an owner of real property or as a registered voter, which election once made cannot thereafter be changed;

(3) “Registered voters”, persons qualified and registered to vote pursuant to chapter 115, RSMo.

238.208. 1. **Except as otherwise provided in this subsection**, the owners of property adjacent to a transportation district formed under the Missouri transportation development district act may petition the court by unanimous petition to add their property to the district. If the property owners within the transportation development district unanimously approve of the addition of property, the adjacent properties in the petition shall be added to the district. Any property added under this section shall be subject to all projects, taxes, and special assessments in effect as of the date of the court order adding the property to the district. The owners of the added property shall be allowed to vote at the next election scheduled for the district to fill vacancies on the board and on any other question submitted to them by the board under this chapter. The owners of property added under this section shall have one vote per acre in the same manner as provided in subdivision (2) of subsection 2 of section 238.220. **The unanimous property owner approval requirement shall not apply to any transportation development district formed by local transportation authorities to operate a public transportation system, and the court shall add adjacent properties in the petition to the district upon the approval and consent of the transportation development district's board of directors.**

2. The owners of all of the property located in a transportation development district formed under this chapter may, by unanimous petition filed with the board of directors of the district, remove any property from the district, so long as such removal will not materially affect any obligations of the district.

238.220. 1. Notwithstanding anything to the contrary contained in section 238.216, if any persons eligible to be registered voters reside within the district the following procedures shall be followed:

(1) After the district has been declared organized, the court shall upon petition of any interested person order the county clerk to cause an election to be held in all areas of the district within one hundred twenty days after the order establishing the district, to elect the district board of directors which shall be not less than five nor more than fifteen;

(2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and shall file with the election authority of such county a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(3) The director or directors to be elected shall be elected at large. The candidate receiving the most votes from qualified voters shall be elected to the position having the longest term, the second highest total votes elected to the position having the next longest term, and so forth. Each initial director shall serve the one-, two- or three-year term to which he or she was elected, and until a successor is duly elected and qualified. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification; and

(4) Each director shall be a resident of the district. Directors shall be registered voters at least twenty-one years of age.

2. Notwithstanding anything to the contrary contained in section 238.216, if no persons eligible to be registered voters reside within the district, the following procedures shall apply:

(1) Within thirty days after the district has been declared organized, the circuit clerk of the county in which the petition was filed shall, upon giving notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, call a meeting of the owners of real property within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of not less than five and not more than fifteen directors, to be composed of owners or representatives of owners of real property in the district; provided that, if all the owners of property in the district joined in the petition for formation of the district, such meeting may be called by order of the court without further publication. For the purposes of determining board membership, the owner or owners of real property within the district and their legally authorized representative or representatives shall be deemed to be residents of the district; for business organizations and other entities owning real property within the district, the individual or individuals legally authorized to represent the business organizations or entities in regard to the district shall be deemed to be a resident of the district;

(2) The property owners, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election. At the election, each acre of real property within the district shall represent one share, and each owner may have one vote in person or by proxy for every acre of real property owned by such person within the district;

(3) The one-third of the initial board members receiving the most votes shall be elected to positions having a term of three years. The one-third of initial board members receiving the next highest number of votes shall be elected to positions having a term of two years. The lowest one-third of initial board members receiving sufficient votes shall be elected to positions having a term of one year. Each initial director shall serve the term to which he or she was elected, and until a successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the real property owners

called by the board. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification;

(4) Directors shall be at least twenty-one years of age.

3. Notwithstanding any provision of section 238.216 and this section to the contrary, if the petition for formation of the district was filed pursuant to subsection 5 of section 238.207, the following procedures shall be followed:

(1) **If the district is comprised of any of one or more local transportation authorities to operate a public mass transportation system, the board of directors shall consist of not less than three nor more than five persons appointed by the chief executive officers of each local transportation authority proposing the creation of the district. For all other districts, if** the district is comprised of four or more local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district. If the district is comprised of two or three local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district and one person designated by the governing body of each local transportation authority within the district;

(2) Each director shall be at least twenty-one years of age and a resident or property owner of the local transportation authority the director represents. A director designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause, **and a director appointed by the chief executive officer may be removed by the chief executive officer at any time with or without cause;** and

(3) Upon the assumption of office of a new presiding officer of a local transportation authority, such individual shall automatically succeed his predecessor as a member of the board of directors. Upon the removal, resignation or disqualification of a director designated by the governing body of a local transportation authority, such governing body shall designate a successor director.

4. **Except for those districts formed by local transportation authorities to operate a public mass transportation system,** the commission shall appoint one or more advisors to the board, who shall have no vote but shall have the authority to participate in all board meetings and discussions, whether open or closed, and shall have access to all records of the district and its board of directors.

5. If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the local transportation authority that will assume maintenance of the project shall appoint one or more advisors to the board of directors who shall have the same rights as advisors appointed by the commission.

6. Any county or counties located wholly or partially within the district which is not a local transportation authority pursuant to subdivision (4) of subsection 1 of section 238.202 may appoint one or more advisors to the board who shall have the same rights as advisors appointed by the commission.

238.225. 1. Before construction or funding of any project the district shall submit the proposed project to the commission for its prior approval. If the commission by minute finds that the project will improve or is a necessary or desirable extension of the state highways and transportation system, the commission may preliminarily approve the project subject to the district providing plans and specifications for the proposed project and making any revisions in the plans and specifications required by the commission and



the district and commission entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After such preliminary approval, the district may impose and collect such taxes and assessments as may be included in the commission's preliminary approval. After the commission approves the final construction plans and specifications, the district shall obtain prior commission approval of any modification of such plans or specifications.

2. If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the district shall also submit the proposed project and proposed plans and specifications to the local transportation authority that will become the owner of the project for its prior approval.

3. In those instances where a local transportation authority is required to approve a project and the commission determines that it has no direct interest in that project, the commission may decline to consider the project. Approval of the project shall then vest exclusively with the local transportation authority subject to the district making any revisions in the plans and specifications required by the local transportation authority and the district and the local transportation authority entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the local transportation authority approves the final construction plans and specifications, the district shall obtain prior approval of the local transportation authority before modifying such plans or specifications.

**4. Notwithstanding any provision of this section to the contrary, this section shall not apply to any transportation development district formed by local transportation authorities to operate a public mass transportation system.**

238.232. 1. If approved by at least four-sevenths of the qualified voters voting on the question in the district, the district may impose a property tax in an amount not to exceed the annual rate of ten cents on the hundred dollars assessed valuation. The district board may levy a property tax rate lower than its approved tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval. The property tax shall be uniform throughout the district.

2. The ballot of submission shall be substantially in the following form:

Shall the ..... Transportation Development District impose a property tax upon all real and tangible personal property within the district at a rate of not more than ..... (insert amount) cents per hundred dollars assessed valuation for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. The county collector of each county in which the district is partially or entirely located shall collect the property taxes and special benefit assessments made upon all real property and tangible personal property within that county and the district, in the same manner as other property taxes are collected.

4. Every county collector having collected or received district property taxes shall, on or before the fifteenth day of each month and after deducting his commissions, remit to the treasurer of that district the amount collected or received by him prior to the first day of the month. Upon receipt of such money, the district treasurer shall execute a receipt therefor, which he shall forward or deliver to the collector. The

district treasurer shall deposit such sums into the district treasury, credited to the appropriate project or purpose. The collector and district treasurer shall make final settlement of the district account and commissions owing, not less than once each year, if necessary.

**5. Notwithstanding any provision of sections 99.800 to 99.865, RSMo, to the contrary, the real property tax for a transportation development district shall not be considered “payment in lieu of taxes” as such term is defined under sections 99.805 and 99.918, RSMo. Tax revenues derived from such tax shall not be subject to allocation under the provisions of subsection 2 of section 99.845, RSMo, or subsection 3 of section 99.957, RSMo.**

238.236. 1. This section shall not apply to any tax levied pursuant to section 238.235, and no tax shall be imposed pursuant to the provisions of this section if a tax has been imposed by a transportation development district pursuant to section 238.235.

2. In lieu of the taxes allowed pursuant to section 238.235, any transportation development district which consists of all of one or more entire counties, all of one or more entire cities, or all of one or more entire counties and one or more entire cities which are totally outside the boundaries of those counties may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters. No resolution enacted pursuant to the authority granted by this section shall be effective unless:

(1) The board of directors of the transportation development district submits to the qualified voters of the transportation development district, at a state general, primary, or special election, a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(2) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

3. If the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of subdivision (1) of subsection 2 of this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of .....(transportation development district’s name) impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until

the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

4. Within ten days after the adoption of any resolution in favor of the adoption of a transportation development district sales tax which has been approved by the qualified voters of such transportation development district, the transportation development district shall forward to the director of revenue, by United States registered mail or certified mail, a certified copy of the resolution of its board of directors. The resolution shall reflect the effective date thereof. The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of such tax.

5. All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subsection 3 of this section or if the tax authorized by this section is repealed pursuant to subsection 12 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

6. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, one-half of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

7. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and the tax imposed by the resolution as authorized by this section, plus any amounts imposed pursuant to other provisions of law.

8. On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

9. All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, governing local sales taxes, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified

in this section.

10. All sales taxes collected by the director of revenue pursuant to this section on behalf of any transportation development district, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the state treasury to the credit of the "Transportation Development District Sales Tax Fund", which is hereby created. Moneys in the transportation development district sales tax fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. All interest earned upon the balance in the transportation development district sales tax fund shall be deposited to the credit of the same fund. Any balance in the fund at the end of an appropriation period shall not be transferred to the general revenue fund and the provisions of section 33.080, RSMo, shall not apply to the fund. The director of revenue shall keep accurate records of the amount of money which was collected in each transportation development district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in such fund during the preceding month to the proper transportation development district.

11. The director of revenue may authorize the state treasurer to make refunds from the amounts credited to any transportation development district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any transportation development district repeals the tax authorized by this section, the transportation development district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by this section in such transportation development district, the director of revenue shall remit the balance in the account to the transportation development district and close the account of that transportation development district. The director of revenue shall notify each transportation development district of each instance of any amount refunded or any check redeemed from receipts due the transportation development district.

12. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters of such transportation development district calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution

imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

**13. Notwithstanding any provision of sections 99.800 to 99.865, RSMo, and this section to the contrary, the sales tax for a transportation district formed by local transportation authorities to operate a public mass transportation system:**

**(1) Shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, RSMo;**

**(2) Tax revenues derived from such tax shall not be subject to allocation under the provisions of subsection 3 of section 99.845, RSMo, or subsection 4 of section 99.957, RSMo; and**

**(3) Shall be collected by the director of revenue, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, and shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "Transportation Development District Sales Tax Trust Fund". The moneys in this fund are not state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each district wherein a sales tax is imposed pursuant to the provisions of this section. The records shall be open to the inspection of the officers of the city and the public.";** and

Further amend the title and enacting clause accordingly.

Senator Wright-Jones moved that the above amendment be adopted, which motion failed.

Senator Stouffer moved that **SS** for **SCS** for **HB 683**, as amended, be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SCS** for **HB 683**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Shields referred **SS** for **SCS** for **HB 683**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 464**, entitled:

An Act to repeal sections 143.441, 147.010, 148.370, 303.024, 374.456, 374.702, 374.715, 374.740, 374.755, 375.020, 375.1025, 375.1028, 375.1030, 375.1032, 375.1035, 375.1037, 375.1040, 375.1042, 375.1045, 375.1047, 375.1050, 375.1052, 375.1057, 375.1224, 376.428, 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, 379.1412, 382.400, 382.402, 382.405, 382.407, 382.409, 384.025, 384.031, 384.043, 384.051, 384.057, 384.062, and 407.1243, RSMo, and to enact in lieu thereof forty-nine new sections relating to the regulation of insurance, with penalty provisions and an emergency clause for a certain section.

With House Amendment Nos. 1 and 2.

## HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 464, Page 31, Section 375.1224, Line 16, by inserting after all of said line the following:

**“376.388. 1. A pharmacy benefits manager, as defined in section 376.1460, shall remit on a monthly basis to the plan sponsor a summary of each claim submitted by the pharmacy benefits manager to the plan sponsor which shall include the prescription number, the eleven-digit National Drug Code (NDC) number used to calculate the charge to the plan sponsor and the National Drug Code (NDC) used to calculate the reimbursement to the pharmacy for such claim, the quantity and the net amount paid by the plan sponsor to the pharmacy benefits manager.**

**2. A pharmacy benefits manager shall not:**

**(1) Automatically enroll or passively enroll the pharmacy in a contract, or modify an existing contract without written affirmation from the pharmacy or pharmacist;**

**(2) Require that a pharmacy or pharmacist participate in one pharmacy benefits manager contract in order to participate in another contract; or**

**(3) Discriminate between in-network pharmacies or pharmacists on the basis of co-payments or days of supply unless such pharmacy declines to fill such prescriptions at the price allowed to other in-network pharmacies for such prescription.**

**3. When an insured presents a prescription to a pharmacy in the pharmacy benefits manager's network, the pharmacy benefits manager shall not reassign such prescription to be filled by any other pharmacy. When the pharmacy benefits manager contacts the prescribing health care practitioner to affirm or modify the original prescription, the affirmed or modified prescription shall be filled at the in-network pharmacy of the patient's choice to which the insured presented the original prescription. This subsection shall not apply to any prescribed specialty drug with a specific formulation.**

**376.389. 1. A health benefit plan or health care services contract that covers prescription drugs shall not limit, reduce, or deny coverage for any immunosuppressive drug if, prior to the limitation, reduction, or denial of coverage:**

**(1) Any insured was using the immunosuppressive drug;**

**(2) Such insured or insureds were covered under the plan or contract; and**

**(3) The immunosuppressive drug was covered under the plan or contract for such insured individual or individuals.**

**2. A limitation, reduction, or denial of coverage includes removing an immunosuppressive drug from the formulary or other drug list, imposing new prior authorization or other utilization management tools, or placing the immunosuppressive drug on a formulary tier that increases the patient's cost-sharing obligations or otherwise increases the patient's cost-sharing obligations.**

**3. Nothing in this section shall prohibit an insurer from making uniform changes in its benefit design that apply to all covered drugs, uniformly removing a drug from the formulary list for all insureds, or increasing cost-sharing obligations merely due to a percentage coinsurance payment that necessarily increases with an increase in the underlying drug prices.”; and**

Further amend said bill, Page 32, Section 376.502, Line 14, by inserting after all of said line the following:

**“376.1460. 1. As used in sections 376.1460 to 376.1464, the following terms shall mean:**

**(1) "Health carrier", the same meaning as such term is defined in section 376.1350; except when such health care services are provided, delivered, arranged for, paid for, or reimbursed by the department of social services or the department of mental health;**

**(2) "Pharmacy benefit manager" or "PBM", a person or entity other than a pharmacy or pharmacist acting as an administrator in connection with pharmacy benefits;**

**(3) "Switch communication", a communication to a patient or the patient's physician from a health carrier or PBM that recommends a patient's medication be switched by the original prescribing health care professional to a different medication than the medication originally prescribed by the prescribing health care professional. A switch communication shall:**

**(a) Clearly identify the originally prescribed medication and the medication to which it has been proposed that the patient should be switched;**

**(b) Explain any financial incentives that may be provided to, or have been offered to, the prescribing health care professional by the health carrier or PBM that could result in the switch to the different drug;**

**(c) Explain any clinical affects that the proposed medication may have on the patient which are different than those of the originally prescribed medication;**

**(d) Advise the patient of the right to discuss the proposed change in treatment before such a switch takes place, including a discussion with the patient's prescribing practitioner; and**

**(e) Explain any cost sharing changes for which the patient is responsible; and**

**(f) Clearly identify the net change in cost to the health insurance payer, including employers, which will result from the use of the proposed drug in lieu of the originally prescribed medication.**

**2. Anytime a patient's prescribed medication is recommended to be switched to a medication other than that originally prescribed by the prescribing practitioner, the following communications shall be sent:**

**(1) A switch communication to the patient; and**

**(2) Information to the plan sponsor or health carrier utilizing a PBM regarding the recommended medication, shown in currency form, and the cost, shown in currency form, of the originally prescribed medication. Such communication shall include notice of medication switches among plan participants, including any financial incentive the health carrier or PBM may be utilizing to encourage or induce the switch. Information contained in the notification shall be in the aggregate and shall not contain any personally identifiable information.**

**The provisions of this subsection shall not apply to any substitution made under subsection 2 of section 338.056, RSMo, unless such substitute results in a higher cost to the patient or health insurance payer.**

**3. All health carriers and pharmacy benefit managers shall submit the format and language for**

any switch communication that will be sent to a patient under this section to the department of insurance, financial institutions and professional registration for approval. The department shall examine the format and language of the switch communication to ensure it meets the criteria for a switch communication as described in this section. The department shall have sixty days to review and issue a statement to the health carrier or pharmacy benefit manager that the format and language of the switch communication either does or does not comply with the statute. In the event the department's response indicates non-compliance with the statute, the department shall site specific reasons for such decision. The department shall also promulgate rules governing switch communications. Such rules shall include, but not be limited to the following:

(1) Procedures for verifying the accuracy of any switch communications from health carriers and pharmacy benefit managers to ensure that such switch communications are truthful, accurate, and not misleading based on cost to the patient and plan sponsor, the product package labeling, medical compendia recognized by the MO HealthNet program for the drug utilization review program, and peer-reviewed medical literature;

(2) Except for a substitution due to the Food and Drug Administration's withdrawal of a drug for prescription, a requirement that all switch communications bear a prominent notification on the first page clearly indicating the switch communication is not a product safety notice.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

376.1462. 1. Issuing or delivering or causing to be issued or delivered a switch communication that has not been approved and is not in compliance with the requirements of section 376.1460 is punishable by a fine not to exceed twenty-five thousand dollars.

2. Providing a misrepresentation or false statement in a switch communication under section 376.1460 is punishable by a fine not to exceed twenty-five thousand dollars.

3. Any other material violation of section 376.1460 is punishable by a fine not to exceed twenty-five thousand dollars.

376.1464. 1. When medications for the treatment of any medical condition are restricted for use by a health carrier or PBM by a step therapy or fail first protocol, a prescriber shall have access to a clear and convenient process to expeditiously request an override for such restriction from the PBM or health carrier. An override of such restriction shall be expeditiously granted by the health carrier or PBM when:

(1) The prescriber can demonstrate, based on sound clinical evidence, that the preferred treatment required under the step therapy or fail first protocol has been ineffective in the treatment of the covered person's disease or medical condition; or

(2) Based on sound clinical evidence or medical and scientific evidence:



**(a) The prescriber can demonstrate that the preferred treatment required under the step therapy or fail first protocol is expected or likely to be ineffective based on the known relevant physical or mental characteristics of the covered person and known characteristics of the drug regimen; or**

**(b) The prescriber can demonstrate that the preferred treatment required under the step therapy or fail first protocol will cause or will likely cause an adverse reaction or other harm to the covered person.**

**2. The duration of any step therapy or fail first protocol shall not be longer than a period of fourteen days when such treatment is deemed clinically ineffective by the prescribing physician. However, when the health carrier or PBM can show, through sound clinical evidence, the originally prescribed medication is likely to require more than two weeks to provide any relief or amelioration to the patient the step therapy or fail first protocol may be extended up to seven additional days.**

**3. Nothing in this section shall require the PBM or health carrier to grant an exception to the step therapy or fail first protocol if the prescriber fails to meet the requirements in subsection 1 of this section.**

**4. Nothing in this section shall be construed as requiring coverage for any condition which is specifically excluded by the insurance policy or contract and not otherwise required by law.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 464, Page 5, Section 148.370, Line 13 by inserting after all of said section the following:

“301.560. 1. In addition to the application forms prescribed by the department, each applicant shall submit the following to the department:

(1) Every application other than a renewal application for a motor vehicle franchise dealer shall include a certification that the applicant has a bona fide established place of business. Such application shall include an annual certification that the applicant has a bona fide established place of business for the first three years and only for every other year thereafter. The certification shall be performed by a uniformed member of the Missouri state highway patrol or authorized or designated employee stationed in the troop area in which the applicant’s place of business is located; except that in counties of the first classification, certification may be performed by an officer of a metropolitan police department when the applicant’s established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed. When the application is being made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a uniformed member of the Missouri state water patrol stationed in the district area in which the applicant’s place of business is located or by a uniformed member of the Missouri state highway patrol stationed in the troop area in which the applicant’s place of business is located or, if the applicant’s place of business is located within the jurisdiction of a metropolitan police department in a first class county, by an officer of such metropolitan police department. A bona fide established place of business for any new motor vehicle franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall be a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or trailers and wherein the public may contact the owner or

operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The applicant's place of business shall contain a working telephone which shall be maintained during the entire registration year. In order to qualify as a bona fide established place of business for all applicants licensed pursuant to this section there shall be an exterior sign displayed carrying the name of the business set forth in letters at least six inches in height and clearly visible to the public and there shall be an area or lot which shall not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall contain the name of the dealership by which it is known to the public through advertising or otherwise, which need not be identical to the name appearing on the dealership's license so long as such name is registered as a fictitious name with the secretary of state, has been approved by its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name registration has been provided to the department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt from maintaining a bona fide place of business, including the related law enforcement certification requirements, and from meeting the minimum yearly sales;

(2) The initial application for licensure shall include a photograph, not to exceed eight inches by ten inches but no less than five inches by seven inches, showing the business building, lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing dealership building, lot and sign but shall be required to submit a new photograph upon the installation of the new dealership sign as required by sections 301.550 to 301.573. Applicants shall not be required to submit a photograph annually unless the business has moved from its previously licensed location, or unless the name of the business or address has changed, or unless the class of business has changed;

(3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by any state or federal financial institution in the penal sum of twenty-five thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, [trailer dealer,] or boat dealer shall furnish with the application a copy of a current dealer garage policy bearing the policy number and name of the insurer and the insured;

(4) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to 301.573. All

fees payable pursuant to the provisions of sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the “Motor Vehicle Commission Fund”, which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.

2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction, trailer dealer, or a public motor vehicle auction submits an application for a license for a new business and the applicant has complied with all the provisions of this section, the department shall make a decision to grant or deny the license to the applicant within eight working hours after receipt of the dealer’s application, notwithstanding any rule of the department.

3. Upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number and two additional number plates or certificates of number within eight working hours after presentment of the application. Upon renewal, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer.

4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:

New motor vehicle franchise	
dealers .....	D-0 through D-999
New powersport dealers and motorcycle franchise	
dealers .....	D-1000 through D-1999
Used motor vehicle, used powersport, and used motorcycle	
dealers .....	D-2000 through D-9999
Wholesale motor vehicle	
dealers .....	W-0 through W-1999
Wholesale motor vehicle	
auctions .....	WA-0 through WA-999
New and used trailer	
dealers .....	T-0 through T-9999
Motor vehicle, trailer, and boat	
manufacturers .....	DM-0 through DM-999
Public motor vehicle	
auctions .....	A-0 through A-1999
Boat dealers .....	M-0 through M-9999
New and used recreational motor vehicle	
dealers .....	RV-0 through RV-999

For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year. The provisions of this subsection shall become effective on the date the director of the department of revenue begins to reissue new license plates under section 301.130, or on December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new license plates under the authority granted under section 301.130 prior to December 1, 2008, the director of the department of revenue shall notify the revisor of statutes of such fact.

5. Upon the sale of a currently licensed new motor vehicle franchise dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer.

6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue two additional number plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each additional number plate. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. Additional number plates and as many additional certificates of number may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor vehicle manufacturers shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually. New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a distinctive dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement

certifying, under penalty of perjury, the dealer's number of sales during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle, for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and boat manufacturers may display their certificate of number on a vessel or vessel trailer when transporting a vessel or vessels to an exhibit or show.

9. (1) Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and public auto auctions and applicants currently holding a new or used license for a separate dealership shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006.

(2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer sections 301.550 to 301.570, and any other rules and regulations promulgated by the department.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 215**, entitled:

An Act to repeal sections 68.025, 68.035, 68.040, 68.070, 100.710, 100.760, 100.770, 100.850, 135.155, 135.680, 208.770, 338.337, 620.495, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof thirty-four new sections relating to taxation, with an emergency clause for certain sections.

With House Amendment No. 1.

## HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 215, Section 348.274, Page 34, Line 134 by inserting after all of said line the following:

“447.708. 1. For eligible projects, the director of the department of economic development, with notice to the directors of the departments of natural resources and revenue, and subject to the other provisions of sections 447.700 to 447.718, may not create a new enterprise zone but may decide that a prospective operator of a facility being remedied and renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions pursuant to sections 135.100 to 135.150, RSMo, and sections 135.200 to 135.257, RSMo. The tax credits allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax otherwise imposed by chapter 147, RSMo, or the tax otherwise imposed by chapter 148, RSMo. For purposes of this subsection:

(1) For receipt of the ad valorem tax abatement pursuant to section 135.215, RSMo, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs. The city, or county if the eligible project is not located in a city, must provide ad valorem tax abatement of at least fifty percent for a period not less than ten years and not more than twenty-five years;

(2) For receipt of the income tax exemption pursuant to section 135.220, RSMo, and tax credit for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225, RSMo, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718, the tax credits described in section 135.225, RSMo, are modified as follows: the tax credit shall be four hundred dollars per employee per year, an additional four hundred dollars per year for each employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new and existing businesses, respectively, an additional four hundred dollars per year for each person who is a person difficult to employ as defined by section 135.240, RSMo, and investment tax credits at the same amounts and levels as provided in subdivision (4) of subsection 1 of section 135.225, RSMo;

(3) For eligibility to receive the income tax refund pursuant to section 135.245, RSMo, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of section 135.245, RSMo, for application and use of the refund and the eligibility requirements of this section;

(4) The eligible project operates in compliance with applicable environmental laws and regulations, including permitting and registration requirements, of this state as well as the federal and local requirements;

(5) The eligible project operator shall file such reports as may be required by the director of economic development or the director's designee;

(6) The taxpayer may claim the state tax credits authorized by this subsection and the state income exemption for a period not in excess of ten consecutive tax years. For the purpose of this section, “taxpayer” means an individual proprietorship, partnership or corporation described in section 143.441 or 143.471, RSMo, who operates an eligible project. The director shall determine the number of years the taxpayer may claim the state tax credits and the state income exemption based on the projected net state economic benefits attributed to the eligible project;

(7) For the purpose of meeting the new job requirement prescribed in subdivisions (1), (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and maintained during the taxpayer's tax period for which the credits are earned, in the case of an eligible project that does not replace a similar facility in Missouri. "New job" means a person who was not previously employed by the taxpayer or related taxpayer within the twelve-month period immediately preceding the time the person was employed by that taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned. For the purposes of this section, "related taxpayer" has the same meaning as defined in subdivision (9) of section 135.100, RSMo;

(8) For the purpose of meeting the existing job retention requirement, if the eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, it shall be required that at least twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a person who was previously employed by the taxpayer or related taxpayer, at a facility similar to the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, within the tax period immediately preceding the time the person was employed by the taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned;

(9) In the case where an eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, the owner and operator of the eligible project shall provide the director with a written statement explaining the reason for discontinuing operations at the closed facility. The statement shall include a comparison of the activities performed at the closed facility prior to the date the facility ceased operating, to the activities performed at the eligible project, and a detailed account describing the need and rationale for relocating to the eligible project. If the director finds the relocation to the eligible project significantly impaired the economic stability of the area in which the closed facility was located, and that such move was detrimental to the overall economic development efforts of the state, the director may deny the taxpayer's request to claim tax benefits;

(10) Notwithstanding any provision of law to the contrary, for the purpose of this section, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment used at the eligible project during any tax year shall be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month of the tax year. If the eligible project is in operation for less than the entire tax year, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment created at the eligible project during any tax year shall be determined by dividing the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month during the portion of the tax year during which the eligible project was in operation, by the number of full calendar months during such period;

(11) For the purpose of this section, "new qualified investment" means new business facility investment as defined and as determined in subdivision (7) of section 135.100, RSMo, which is used at and in

connection with the eligible project. “New qualified investment” shall not include small tools, supplies and inventory. “Small tools” means tools that are portable and can be hand held.

2. The determination of the director of economic development pursuant to subsection 1 of this section shall not affect requirements for the prospective purchaser to obtain the approval of the granting of real property tax abatement by the municipal or county government where the eligible project is located.

3. (1) The director of the department of economic development, with the approval of the director of the department of natural resources, may, in addition to the tax credits allowed in subsection 1 of this section, grant a remediation tax credit to the applicant for up to one hundred percent of the costs of materials, supplies, equipment, labor, professional engineering, consulting and architectural fees, permitting fees and expenses, demolition, asbestos abatement, **environmental insurance premiums, backfill of areas where contaminated soil excavation occurs**, and direct utility charges for performing the voluntary remediation activities for the preexisting hazardous substance contamination and releases, including, but not limited to, the costs of performing operation and maintenance of the remediation equipment at the property beyond the year in which the systems and equipment are built and installed at the eligible project and the costs of performing the voluntary remediation activities over a period not in excess of four tax years following the taxpayer’s tax year in which the system and equipment were first put into use at the eligible project, provided the remediation activities are the subject of a plan submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to 260.575, RSMo. The tax credit may also include up to one hundred percent of the costs of demolition that are not directly part of the remediation activities, provided that the demolition is on the property where the voluntary remediation activities are occurring, the demolition is necessary to accomplish the planned use of the facility where the remediation activities are occurring, and the demolition is part of a redevelopment plan approved by the municipal or county government and the department of economic development. The demolition may occur on an adjacent property if the project is located in a municipality which has a population less than twenty thousand and the above conditions are otherwise met. The adjacent property shall independently qualify as abandoned or underutilized. The amount of the credit available for demolition not associated with remediation cannot exceed the total amount of credits approved for remediation including demolition required for remediation.

(2) The amount of remediation tax credits issued shall be limited to the least amount necessary to cause the project to occur, as determined by the director of the department of economic development.

(3) The director may, with the approval of the director of natural resources, extend the tax credits allowed for performing voluntary remediation maintenance activities, in increments of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed in this subsection shall be used to offset the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax otherwise imposed by chapter 147, RSMo, or the tax otherwise imposed by chapter 148, RSMo. The remediation tax credit may be taken in the same tax year in which the tax credits are received or may be taken over a period not to exceed twenty years.

(4) The project facility shall be projected to create at least ten new jobs or at least twenty-five retained jobs, or a combination thereof, as determined by the department of economic development, to be eligible for tax credits pursuant to this section.

(5) No more than seventy-five percent of earned remediation tax credits may be issued when the remediation costs were paid, and the remaining percentage may be issued when the department of natural resources issues a “Letter of Completion” letter or covenant not to sue following completion of the



voluntary remediation activities. It shall not include any costs associated with ongoing operational environmental compliance of the facility or remediation costs arising out of spills, leaks, or other releases arising out of the ongoing business operations of the facility. **In the event the department of natural resources issues a “letter of completion” letter for a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion of a site improvement, a prorated amount of the remaining percentage may be released based on the percentage of the total site receiving a letter of completion.**

4. In the exercise of the sound discretion of the director of the department of economic development or the director’s designee, the tax credits and exemptions described in this section may be terminated, suspended or revoked, if the eligible project fails to continue to meet the conditions set forth in this section. In making such a determination, the director shall consider the severity of the condition violation, actions taken to correct the violation, the frequency of any condition violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and operator. The director shall also consider changes in general economic conditions and the recommendation of the director of the department of natural resources, or his or her designee, concerning the severity, scope, nature, frequency and extent of any violations of the environmental compliance conditions. The taxpayer or person claiming the tax credits or exemptions may appeal the decision regarding termination, suspension or revocation of any tax credit or exemption in accordance with the procedures outlined in subsections 4 to 6 of section 135.250, RSMo. The director of the department of economic development shall notify the directors of the departments of natural resources and revenue of the termination, suspension or revocation of any tax credits as determined in this section or pursuant to the provisions of section 447.716.

5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection 1 of this section and the tax credits otherwise allowed in section 135.110, RSMo, or the tax credits, exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245, RSMo, respectively, for the same facility for the same tax period.

6. The total amount of the tax credits allowed in subsection 1 of this section may not exceed the greater of:

(1) That portion of the taxpayer’s income attributed to the eligible project; or

(2) One hundred percent of the total business’ income tax if the eligible facility does not replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer’s tax period in which the tax credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; fifty percent of the total business’ income tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer’s tax period in which the credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible project in Missouri be allowed to offset more than twenty-five percent of the taxpayer’s business income in any tax period. That portion of the taxpayer’s income attributed to the eligible project as referenced in subdivision (1) of this subsection, for which the credits allowed in sections 135.110 and 135.225, RSMo, and subsection 3 of this section, may apply, shall be determined in the same manner as prescribed in subdivision (6) of section 135.100, RSMo. That portion of the taxpayer’s franchise tax

attributed to the eligible project for which the remediation tax credit may offset, shall be determined in the same manner as prescribed in paragraph (a) of subdivision (6) of section 135.100, RSMo.

7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax credits shall not be carried forward but shall be initially claimed for the tax period during which the eligible project was first capable of being used, and during any applicable subsequent tax periods.

8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use, or during the taxpayer's tax period immediately after the tax period in which the voluntary remediation activities were performed.

9. The recipient of remediation tax credits, for the purpose of this subsection referred to as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed in subsection 3 of this section to any other person, for the purpose of this subsection referred to as assignee. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address and the assignee's tax period and the amount of tax credits to be transferred. The number of tax periods during which the assignee may subsequently claim the tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor previously claimed the credits before the transfer occurred.

10. In the case where an operator and assignor of an eligible project has been certified to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and sells or otherwise transfers title of the eligible project to another taxpayer or assignee who continues the same or substantially similar operations at the eligible project, the director shall allow the assignee to claim the credits for a period of time to be determined by the director; except that, the total number of tax periods the tax credits may be earned by the assignor and the assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount of tax credits to be transferred.

11. For the purpose of the state tax benefits described in this section, in the case of a corporation described in section 143.471, RSMo, or partnership, in computing Missouri's tax liability, such state benefits shall be allowed to the following:

(1) The shareholders of the corporation described in section 143.471, RSMo;

(2) The partners of the partnership. The credit provided in this subsection shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

620.472. 1. The department shall establish a new or expanding industry training program, the purpose of which is to provide assistance for new or expanding industries for the training, retraining or upgrading of the skills of potential employees. **Training may include preemployment training, and services may**

include analysis of the specified training needs for such company, development of training plans, and provision of training through qualified training staff. Such program may fund in-plant training analysis, curriculum development, assessment and preselection tools, publicity for the program, instructional services, rental of instructional facilities with necessary utilities, access to equipment and supplies, other necessary services, overall program direction, and an adequate staff to carry out an effective training program. In addition, the program may fund a coordinated transportation program for trainings if the training can be more effectively provided outside the community where the jobs are to be located. **In-plant training analysis shall include fees for professionals and necessary travel and expenses.** Such program may also provide assistance in the locating of skilled employees and in the locating of additional sources of job training funds. Such program shall be operated with appropriations made by the general assembly from the fund.

2. Assistance under the new or expanding industry training program may be available only for industries whose investments relate directly to a projected increase in employment which will result in the need for training of newly hired employees or the retraining or upgrading of the skills of existing employees for new jobs created by the new or expanding industry's investment.

3. The department shall issue rules and regulations governing the awarding of funds administered through the new or expanding industry training program. When promulgating these rules and regulations, the department shall consider such factors as the potential number of new permanent jobs to be created, the amount of private sector investment in new facilities and equipment, the significance of state funding to the industry's decision to locate or expand in Missouri, the economic need of the affected community, and the importance of the industry to the economic development of Missouri.""; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

### **PRIVILEGED MOTIONS**

Senator Scott moved that the Senate refuse to concur in **HCS** for **SB 296**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Scott moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 47**, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Stouffer moved that the Senate refuse to concur in **HCS** for **SB 464**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 540**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, Senator Engler submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **HCS** for **HB 154** and **HCS** for **HB 82**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

### **REFERRALS**

President Pro Tem Shields referred **SCR 28** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **REPORTS OF STANDING COMMITTEES**

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HB 577**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 258**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer assumed the Chair.

### **HOUSE BILLS ON SECOND READING**

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS** for **HB 17**—Appropriations.

### **RE-REFERRALS**

President Pro Tem Shields re-referred **HCS** for **HB 228** to the Committee on Financial and Governmental Organizations and Elections.

### **RESOLUTIONS**

Senator Barnitz offered Senate Resolution No. 1016, regarding Jeffrey “Jeff” Coe, which was adopted.

Senator Barnitz offered Senate Resolution No. 1017, regarding Zachary Loran “Zach” Summers, which was adopted.

Senator Barnitz offered Senate Resolution No. 1018, regarding the Fifty-seventh Reunion of the 1952 Salem High School graduating class, Dent County, which was adopted.

Senator Lembke offered Senate Resolution No. 1019, regarding Lieutenant Colonel James G. Mohan, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1020, regarding Ian Samir Martinez-Cassmeyer, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Shoemyer introduced to the Senate, Marilyn Roach, parents and fourth grade students from Holy Family School, Hannibal.

Senator Justus introduced to the Senate, representatives of the Liberty Restoration Project, Kansas City.

Senator Justus introduced to the Senate, the Physician of the Day, Dr. Jeremy Burd, M.D., Kansas City.

Senator Crowell introduced to the Senate, fourth grade students from Blanchard Elementary School, Cape Girardeau.

Senator Engler introduced to the Senate, Alycia Yount, Kansas City.

Senator Stouffer introduced to the Senate, his wife, Sue Ellen, Napton; their son, Rob and his daughter, Madeline; and students from Woodland Elementary School, Lee's Summit; and Madeline, Abbi Curtis, Katie Glaze, Brooke Perry and Cassidy Wright, were made honorary pages.

Senator Pearce introduced to the Senate, sixteen sixth grade Junior National Young Leaders from Holden Middle School.

Senator Dempsey introduced to the Senate, seventh grade students from Immanuel Lutheran School, St. Charles.

Senator Ridgeway introduced to the Senate, seventy-five fourth grade students from Linden West Elementary School, Gladstone.

Senator Shields introduced to the Senate, Erdenetsogt Sodontogos, Ulaanbaatar, Mongolia.

Senator Shoemyer introduced to the Senate, Tom and Beckys from Hannibal.

Senator Stouffer introduced to the Senate, fourth grade students from Tina-Avalon School, Tina.

Senator Purgason introduced to the Senate, Susan Rogers, adults and twenty eighth grade students from Junction Hill School, West Plains.

Senator Smith introduced to the Senate, his cousin, Paul Santisteven, his daughter, Courtney and her friend Kristen, St. Louis.

Senator Stouffer introduced to the Senate, Mike Lear and Bill Peterson, KWIX/KRES, Moberly; Sue Stoltz, Bott Radio, Jefferson City; Jim McDermott-Spirit FM/KCVK, Camdenton; Jim Stanfield and Keith Wright, SMSN, Slater; C.E. Huffman, KTVO-TV, Kirksville; Dennis Sharkey, Richmond Daily News, Richmond; and Doug Sokolowski, KSIS, Sedalia.

Senator Lembke introduced to the Senate, Kimberly Stetzel and fourth grade students from Kennerly Elementary School, St. Louis.

On motion of Senator Engler, the Senate adjourned until 9:00 a.m., Friday, May 1, 2009.

## SENATE CALENDAR

SIXTY-THIRD DAY—FRIDAY, MAY 1, 2009

## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCS for HB 21

## THIRD READING OF SENATE BILLS

SS for SCS for SB 558-Mayer (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

SB 569-Lembke, with SCS

SB 540-Schaefer

## HOUSE BILLS ON THIRD READING

- |  |   |
|--|---|
| 1. HB 65-Wilson (119), et al (Pearce)<br>(In Fiscal Oversight) | 12. HB 734-Ruzicka and Hobbs, with SCS<br>(Lager) |
| 2. HCS for HB 82, with SCS (Pearce)                            | 13. HCS for HB 246 (Purgason)                     |
| 3. HB 745-Loehner, et al, with SCS<br>(Clemens)                | 14. HB 15-Icet (Nodler)                           |
| 4. HCS for HBs 320, 39 & 662                                   | 15. HCS for HJR 32, with SCA 1 (Schaefer)         |
| 5. HB 86-Sutherland (Lager)                                    | 16. HB 30-Brandom, et al, with SCS (Goodman)      |
| 6. HCS for HB 580, with SCS                                    | 17. HB 218-Ervin                                  |
| 7. HB 716-Todd, et al, with SCS                                | 18. HCS for HB 863 (Cunningham)                   |
| 8. HCS for HBs 46 & 434  | 19. HCS for HB 909                                |
| 9. HCS for HB 152 (Bartle)                                     | 20. HCS for HB 299 (Pearce)                       |
| 10. HCS for HB 62, with SCS                                    | 21. HCS for HB 577, with SCS (Rupp)               |
| 11. HCS for HBs 658 & 706 (Clemens)                            | 22. HB 258-Jones (89), et al, with SCS (Rupp)     |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 7-Griesheimer, with SS (pending)                   | SBs 45, 212, 136, 278, 279, 285 &         |
| SB 18-Bray, et al, with SCS & SS for SCS<br>(pending) | 288-Pearce and Smith, with SCS &          |
| SB 29-Stouffer  | SS#3 for SCS (pending)                    |
|   | SB 57-Stouffer, with SCS & SA 1 (pending) |

SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for  
SCS (pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)  
SB 228-Scott, with SCS, SS for SCS, SA 12,  
SSA 1 for SA 12 & SA 1 to SSA 1  
for SA 12 (pending)  
SB 236-Lembke  
SB 254-Barnitz, with SS (pending)  
SBs 261, 159, 180 & 181-Bartle and  
Goodman, with SCS & SS#3 for SCS  
(pending)

SB 264-Mayer  
SB 267-Mayer and Green, with SA 1  
(pending)  
SB 284-Lembke, et al, with SA 1 (pending)  
SB 299-Griesheimer, with SCS & SS for  
SCS (pending)  
SB 321-Days, et al, with SCS (pending)  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)  
SB 527-Nodler and Bray  
SB 555-Lager, with SCS, SS for SCS &  
SA 2 (pending)  
SB 572-Dempsey and Justus  
SJR 12-Scott, with SCS (pending)

#### HOUSE BILLS ON THIRD READING

HCS for HBs 128 & 340, with SA 1  
(pending) (Scott)  
SS for HCS for HB 154 (Shields)  
HCS for HB 191, with SCS & SS for SCS  
(pending) (Griesheimer)  
HB 229-Ervin, with SCS, SS for SCS,  
SA 8, SSA 1 for SA 8 & SA 1 to SSA 1  
for SA 8 (pending) (Dempsey)  
HB 287-Day, et al, with SS (pending)  
(Mayer)  
SS for SCS for HB 376-Hobbs, et al  
(Griesheimer) (In Fiscal Oversight)

HCS for HB 481 (Lembke)  
HB 488-Schad, et al, with SCS (pending)  
(Pearce)  
HCS for HB 495, with SCS, SS for SCS,  
SA 1, SSA 2 for SA 1 & SA 1 to SSA 2  
for SA 1 (pending) (Griesheimer)  
HB 659-Dusenberg, et al, with SCS & SA 1  
(pending) (Bartle)  
SS for SCS for HB 683-Schieffer, et al,  
(Stouffer) (In Fiscal Oversight)  
HCS for HJR 10, with SS (pending)  
(Lembke)

#### CONSENT CALENDAR

##### House Bills

##### Reported 4/9

HCS for HB 251 (Clemens)  
HB 210-Deeken (Crowell)  
HB 400-Nasheed, et al (Pearce)

HB 593-Viebrock (Crowell)  
HB 678-Wasson (Goodman)  
HB 537-Dixon, et al (Wright-Jones)

## Reported 4/14

HB 83-Wood, with SCS (Goodman)  
 HCS for HB 124 (McKenna)  
 HB 282-Stevenson, et al (Nodler)  
 HB 652-Pratt (Bartle)

HB 698-Zimmerman, et al (Schmitt)  
 HCS for HB 895 (Stouffer)  
 HB 918-Kelly (Schaefer)  
 HB 919-Ruestman, et al (Goodman)

## Reported 4/15

HCS for HB 525 (Schmitt)  
 HCS for HB 231 (Rupp)  
 HB 826-Brown (149), et al (Lembke)  
 HCS for HB 685 (Goodman)  
 HB 811-Wasson (Scott)  
 HCS for HB 273 (Scott)  
 HCS for HB 485 (Mayer)

HB 859-Dieckhaus, et al (Griesheimer)  
 HB 283-Wood, with SCS (Goodman)  
 HCS for HBs 234 & 493 (Shoemyer)  
 HB 289-Wallace (Mayer)  
 HB 373-Wallace, with SCS (Mayer)  
 HB 490-Schad, et al (Pearce)  
 HB 682-Swinger, et al (Mayer)

## SENATE BILLS WITH HOUSE AMENDMENTS

SB 147-Dempsey, with HCS  
 SB 154-Goodman, with HCS  
 SCS for SB 157-Schmitt, with HCS, as amended  
 SB 215-Shields, with HCS, as amended  
 SCS for SB 338-Rupp, with HCS

SB 435-Lembke, with HCS  
 SB 526-Clemens, with HA 1, HA 2, HA 3 &  
 HA 4  
 SCS for SB 563-Smith, with HCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

SCS for SB 242-Pearce, with HCS, as  
 amended  
 SS for SB 307-Dempsey, with HCS, as  
 amended  
 SB 513-Dempsey, with HA 1, as amended  
 HCS for HB 2, with SS for SCS (Nodler)  
 HCS for HB 3, with SS for SCS (Nodler)  
 HCS for HB 4, with SCS (Nodler)  
 HCS for HB 5, with SCS (Nodler)  
 HCS for HB 6, with SCS (Nodler)

HCS for HB 7, with SCS (Nodler)  
 HCS for HB 8, with SCS (Nodler)  
 HCS for HB 9, with SCS (Nodler)  
 HCS for HB 10, with SCS (Nodler)  
 HCS for HB 11, with SCS (Nodler)  
 HCS for HB 12, with SCS (Nodler)  
 HB 13-Icet, with SCS (Nodler)  
 HB 91-Pollock, with SCS (Purgason)  
 HCS for HB 148, with SCS#2 (Griesheimer)  
 HCS for HB 265, with SCS (Crowell)



HB 269-Parson, et al, with SCS, as  
amended (Scott)  
HB 395-Nance, et al, with SS for SCS, as  
amended (Stouffer)

HCS for HB 397 & HCS for HB 947, with  
SCS (Ridgeway)

Requests to Recede or Grant Conference

SCS for SB 47-Scott, with HCS (Senate  
requests House recede or grant  
conference)  
SB 171-Griesheimer, with HCS, as amended  
(Senate requests House recede or  
grant conference)

SB 296-Scott, with HCS, as amended  
(Senate requests House recede or  
grant conference)  
SB 464-Stouffer, with HCS, as amended  
(Senate requests House recede or  
grant conference)

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al  
SCR 14-Schmitt

SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt  
HCS for HCR 16 (Cunningham)  
SCR 13-Pearce

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# Journal of the Senate

FIRST REGULAR SESSION

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**SIXTY-THIRD DAY—FRIDAY, MAY 1, 2009**

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The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

## RESOLUTIONS

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 1021, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Edward Daume, Perryville, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 1022, regarding Margaret Bush Wilson, St. Louis, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 1023, regarding Ellen Sherberg, St. Louis, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 1024, regarding Emily Rauh Pulitzer, St. Louis, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 1025, regarding Dr. Zelema Harris, St. Louis, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 1026, regarding Emily Pitts, St. Louis, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 1027, regarding Deborah J. Patterson, M.A., St. Louis, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 1028, regarding Mary Strauss, St. Louis, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 1029, regarding the Honorable Claire McCaskill, St. Louis, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 1030, regarding Denise Thimes, St. Louis, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 1031, regarding Dr. Queen Dunlap Fowler, St. Louis, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 1032, regarding Frankie Muse Freeman, St. Louis, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 1033, regarding Kim's Kids Company, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 1034, regarding the Fifth Wedding Anniversary of Mr. and Mrs. Herbert Patterson, Jefferson City, which was adopted.

### HOUSE BILLS ON SECOND READING

At the request of President Pro Tem Shields, the following Bill was read the 2nd time and referred by Senator Vogel to the Committee indicated:

**HCS for HB 21**—Appropriations.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SB 513**, as amended. Representatives: Diehl, Stevenson, Cox, Burnett and Kratky.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS for HCS for HB 397** and **HCS for HB 947**. Representatives: Flook, Viebrock, Franz, Talboy and Yaeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 235**, entitled:

An Act to repeal sections 137.016, 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.052, 408.140, 408.233, 408.250, 408.300, 436.350, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, and to enact in lieu thereof thirty-seven new sections relating to manufactured homes, with penalty provisions.

With House Amendment No. 1.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 235, Section 408.094 by inserting after the phrase "loan contract" the following:

**"provided that no plan shall include reimbursement for a deductible on a property insurance claim"; and**

Further amend said bill, Section 408.233, Page 24, Line 53 by inserting after the phrase "loan contract" on said Line the following:

**"provided that no plan shall include reimbursement for a deductible on a property insurance**

**claim”**; and

Further amend said bill, Section 408.250, Page 28, Line 39 by inserting after the phrase “loan contract” on said Line the following:

**“provided that no plan shall include reimbursement for a deductible on a property insurance claim”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 71**, entitled:

An Act to repeal section 143.011, RSMo, and to enact in lieu thereof two new sections relating to income taxes.

With House Amendment Nos. 1 and 2.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 71, Section 143.011, Page 3, Line 83, by deleting the words, **“Except as provided in subsection 3 of this section,”** and inserting in lieu thereof the following words, **“For all taxable years ending on or before December 31, 2009,”**; and

Further amend said bill, section, Page 4, Lines 107 to 108, by deleting the words, **“but ending on or before December 31, 2010,”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 71, Section A, Page 1, Line 2, by inserting immediately after said line the following:

“135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, including Internet, web hosting, and other information technology, wireless or wired or other telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant

to the provisions of chapter 536, RSMo, shall assign appropriate North American Industry Classification System numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community.

4. A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the **next** five tax years.

5. An existing corporation, partnership or sole proprietorship that is located within a distressed community and that relocates employees from another facility outside of the distressed community to its facility within the distressed community, and an existing business located within a distressed community that hires new employees for that facility may both be eligible for the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits, such a business, during one of its tax years, shall employ within a distressed community at least twice as many employees as were employed at the beginning of that tax year. A business hiring employees shall have no more than one hundred employees before the addition of the new employees. This subsection shall only apply to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming or telecommunications business, or a professional firm.

6. Tax credits shall be approved for applicants meeting the requirements of this section in the order that

such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. To the extent there are available tax credits remaining under the ten million dollar cap provided in this section, [up to one hundred thousand dollars in the] **such** remaining credits shall first be used for tax credits authorized under section 135.562. The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 4 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 6 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

8. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to [an individual with a disability] **a disabled individual or a senior** who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

**For purposes of this section, "disabled individual" means any natural person who:**

**(1) Is a hearing-impaired person as defined in section 302.174, RSMo;**

**(2) Is a blind person as defined in section 8.700, RSMo; or**

**(3) Has medical disabilities that, as determined by a health care professional as defined in section 191.300, RSMo, prohibit, limit, or severely impair the person's ability to ambulate or walk as follows:**

**(a) The person is unable to ambulate or walk less than fifty feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic, or other severe and disabling condition; or**

**(b) The person is unable to ambulate or walk without the use of or assistance from a brace, cane, crutch, prosthetic device, wheelchair, other assistive device, or another person.**

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's

principal dwelling accessible to [an individual with a disability] **a disabled individual or senior** who permanently resides with the taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.

3. Tax credits issued pursuant to this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;
- (2) Widening exterior or interior doorways;
- (3) Widening hallways;
- (4) Installing handrails or grab bars;
- (5) Moving electrical outlets and switches;
- (6) Installing stairway lifts;
- (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;
- (8) Modifying hardware of doors; [or]
- (9) Modifying bathrooms; **or**

**(10) Constructing additional rooms in the dwelling or structures on the property for the purpose of accommodating the senior or disabled person.**

5. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by an amount sufficient to offset any amount of such costs a taxpayer has already deducted from such taxpayer's federal adjusted gross income or to the extent such taxpayer has applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, 2013.

10. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed [one hundred thousand dollars] **the amount of tax credits remaining unused under the program authorized under section 135.535** in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Vogel, the Senate adjourned until 2:00 p.m., Monday, May 4, 2009.

## SENATE CALENDAR

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SIXTY-FOURTH DAY—MONDAY, MAY 4, 2009

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## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SCS for SB 558-Mayer (In  
Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 569-Lembke, with SCS

SB 540-Schaefer

### HOUSE BILLS ON THIRD READING

- |  |   |
|--|---|
| 1. HB 65-Wilson (119), et al (Pearce)<br>(In Fiscal Oversight) | 12. HB 734-Ruzicka and Hobbs, with SCS<br>(Lager) |
| 2. HCS for HB 82, with SCS (Pearce)                            | 13. HCS for HB 246 (Purgason)                     |
| 3. HB 745-Loehner, et al, with SCS<br>(Clemens)                | 14. HB 15-Icet (Nodler)                           |
| 4. HCS for HBs 320, 39 & 662 (Mayer)                           | 15. HCS for HJR 32, with SCA 1 (Schaefer)         |
| 5. HB 86-Sutherland (Lager)                                    | 16. HB 30-Brandom, et al, with SCS (Goodman)      |
| 6. HCS for HB 580, with SCS (Dempsey)                          | 17. HB 218-Ervin (Dempsey)                        |
| 7. HB 716-Todd, et al, with SCS (Mayer)                        | 18. HCS for HB 863 (Cunningham)                   |
| 8. HCS for HBs 46 & 434 (Mayer)                                | 19. HCS for HB 909 (Crowell)                      |
| 9. HCS for HB 152 (Bartle)                                     | 20. HCS for HB 299 (Pearce)                       |
| 10. HCS for HB 62, with SCS (Bartle)                           | 21. HCS for HB 577, with SCS (Rupp)               |
| 11. HCS for HBs 658 & 706 (Clemens)                            | 22. HB 258-Jones (89), et al, with SCS (Rupp)     |



## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
 SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB 29-Stouffer  
 SBs 45, 212, 136, 278, 279, 285 &  
 288-Pearce and Smith, with SCS &  
 SS#3 for SCS (pending)  
 SB 57-Stouffer, with SCS & SA 1 (pending)  
 SB 72-Stouffer, with SCS  
 SB 94-Justus, et al, with SCS & SS for  
 SCS (pending)  
 SB 174-Griesheimer and Goodman, with  
 SCS, SS#2 for SCS & SA 2 (pending)  
 SCS for SB 189-Shields  
 SBs 223 & 226-Goodman and Nodler, with  
 SCS & SA 1 (pending)  
 SB 228-Scott, with SCS, SS for SCS, SA 12,  
 SSA 1 for SA 12 & SA 1 to SSA 1  
 for SA 12 (pending)  
 SB 236-Lembke

SB 254-Barnitz, with SS (pending)  
 SBs 261, 159, 180 & 181-Bartle and  
 Goodman, with SCS & SS#3 for SCS  
 (pending)  
 SB 264-Mayer  
 SB 267-Mayer and Green, with SA 1  
 (pending)  
 SB 284-Lembke, et al, with SA 1 (pending)  
 SB 299-Griesheimer, with SCS & SS for  
 SCS (pending)  
 SB 321-Days, et al, with SCS (pending)  
 SB 364-Clemens and Schaefer  
 SB 409-Stouffer, with SCS (pending)  
 SB 477-Wright-Jones, with SS (pending)  
 SB 527-Nodler and Bray  
 SB 555-Lager, with SCS, SS for SCS &  
 SA 2 (pending)  
 SB 572-Dempsey and Justus  
 SJR 12-Scott, with SCS (pending)

## HOUSE BILLS ON THIRD READING

HCS for HBs 128 & 340, with SA 1  
 (pending) (Scott)  
 SS for HCS for HB 154 (Shields)  
 HCS for HB 191, with SCS & SS for SCS  
 (pending) (Griesheimer)  
 HB 229-Ervin, with SCS, SS for SCS, SA 8,  
 SSA 1 for SA 8 & SA 1 to SSA 1  
 for SA 8 (pending) (Dempsey)  
 HB 287-Day, et al, with SS (pending)  
 (Mayer)  
 SS for SCS for HB 376-Hobbs, et al  
 (Griesheimer) (In Fiscal Oversight)

HCS for HB 481 (Lembke)  
 HB 488-Schad, et al, with SCS (pending)  
 (Pearce)  
 HCS for HB 495, with SCS, SS for SCS, SA 1,  
 SSA 2 for SA 1 & SA 1 to SSA 2  
 for SA 1 (pending) (Griesheimer)  
 HB 659-Dusenbergh, et al, with SCS & SA 1  
 (pending) (Bartle)  
 SS for SCS for HB 683-Schieffer, et al  
 (Stouffer) (In Fiscal Oversight)  
 HCS for HJR 10, with SS (pending) (Lembke)

CONSENT CALENDAR

House Bills

Reported 4/9

HCS for HB 251 (Clemens)  
HB 210-Deeken (Crowell)  
HB 400-Nasheed, et al (Pearce)

HB 593-Viebrock (Crowell)  
HB 678-Wasson (Goodman)  
HB 537-Dixon, et al (Wright-Jones)

Reported 4/14

HB 83-Wood, with SCS (Goodman)  
HCS for HB 124 (McKenna)  
HB 282-Stevenson, et al (Nodler)  
HB 652-Pratt (Bartle)

HB 698-Zimmerman, et al (Schmitt)  
HCS for HB 895 (Stouffer)  
HB 918-Kelly (Schaefer)  
HB 919-Ruestman, et al (Goodman)

Reported 4/15

HCS for HB 525 (Schmitt)  
HCS for HB 231 (Rupp)  
HB 826-Brown (149), et al (Lembke)  
HCS for HB 685 (Goodman)  
HB 811-Wasson (Scott)  
HCS for HB 273 (Scott)  
HCS for HB 485 (Mayer)

HB 859-Dieckhaus, et al (Griesheimer)  
HB 283-Wood, with SCS (Goodman)  
HCS for HBs 234 & 493 (Shoemyer)  
HB 289-Wallace (Mayer)  
HB 373-Wallace, with SCS (Mayer)  
HB 490-Schad, et al (Pearce)  
HB 682-Swinger, et al (Mayer)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 71-Stouffer, with HCS, as  
amended  
SB 147-Dempsey, with HCS  
SB 154-Goodman, with HCS  
SCS for SB 157-Schmitt, with HCS, as  
amended  
SB 215-Shields, with HCS, as amended

SB 235-Cunningham, with HCS, as amended  
SCS for SB 338-Rupp, with HCS  
SB 435-Lembke, with HCS  
SB 526-Clemens, with HA 1, HA 2, HA 3 &  
HA 4  
SCS for SB 563-Smith, with HCS

# BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

## In Conference

SCS for SB 242-Pearce, with HCS, as amended	HCS for HB 10, with SCS (Nodler)
SS for SB 307-Dempsey, with HCS, as amended	HCS for HB 11, with SCS (Nodler)
SB 513-Dempsey, with HA 1, as amended	HCS for HB 12, with SCS (Nodler)
HCS for HB 2, with SS for SCS (Nodler)	HB 13-Icet, with SCS (Nodler)
HCS for HB 3, with SS for SCS (Nodler)	HB 91-Pollock, with SCS (Purgason)
HCS for HB 4, with SCS (Nodler)	HCS for HB 148, with SCS#2 (Griesheimer)
HCS for HB 5, with SCS (Nodler)	HCS for HB 265, with SCS (Crowell)
HCS for HB 6, with SCS (Nodler)	HB 269-Parson, et al, with SCS, as amended (Scott)
HCS for HB 7, with SCS (Nodler)	HB 395-Nance, et al, with SS for SCS, as amended (Stouffer)
HCS for HB 8, with SCS (Nodler)	HCS for HB 397 & HCS for HB 947, with SCS (Ridgeway)
HCS for HB 9, with SCS (Nodler)	

## Requests to Recede or Grant Conference

SCS for SB 47-Scott, with HCS (Senate requests House recede or grant conference)	SB 296-Scott, with HCS, as amended (Senate requests House recede or grant conference)
SB 171-Griesheimer, with HCS, as amended (Senate requests House recede or grant conference)	SB 464-Stouffer, with HCS, as amended (Senate requests House recede or grant conference)

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order (pending)	SCR 21-Clemens
SCR 7-Pearce	SCR 10-Rupp
SR 207-Lembke and Smith, with SCS & SS for SCS (pending)	SCR 18-Bartle and Rupp
SCR 11-Bartle, et al	SCR 23-Schmitt
SCR 14-Schmitt	HCS for HCR 16 (Cunningham)
	SCR 13-Pearce

# Journal of the Senate

## FIRST REGULAR SESSION

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**SIXTY-FOURTH DAY—MONDAY, MAY 4, 2009**

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The Senate met pursuant to adjournment.

Senator Stouffer in the Chair.

Reverend Carl Gauck offered the following prayer:

“All beginnings require that you unlock a new door.” (Rebbi Nachman of Breslov)

Heavenly Father, we begin a new week that requires us to see all that comes our way as fresh but filled with its own problems and challenges. Help us to be willing to open new doors of cooperation and grant us patience so Your desires for us are fulfilled. Guide our words and our efforts so we may be a blessing to others as we walk the path You lead us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, April 30, 2009 and Friday, May 1, 2009 were read and approved.

Senator Engler announced that photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Kinder assumed the Chair.

### **RESOLUTIONS**

Senator Shields offered Senate Resolution No. 1035, regarding State Employee Recognition Week, which was adopted.

Senator Schmitt offered Senate Resolution No. 1036, regarding Edgewood Children's Center, Webster Groves, which was adopted.

Senator Rupp offered Senate Resolution No. 1037, regarding Rick Beran, Wentzville, which was adopted.

Senator Callahan offered Senate Resolution No. 1038, regarding Rick "Red Baron" Sutcliffe, Lee's Summit, which was adopted.

Senator Pearce offered Senate Resolution No. 1039, regarding Monique Agueros, Warrensburg, which was adopted.

Senator Engler offered Senate Resolution No. 1040, regarding Victoria Anne Martin, Hillsboro, which was adopted.

Senators Dempsey and Rupp offered Senate Resolution No. 1041, regarding Peg Capo, Saint Louis, which was adopted.

Senator Green offered Senate Resolution No. 1042, regarding Patrick F. O'Hearn, O'Fallon, which was adopted.

Senator Wilson offered Senate Resolution No. 1043, regarding the death of Delores Maxwell, Kansas City, which was adopted.

Senator Wilson offered Senate Resolution No. 1044, regarding William L. Jones, Kansas City, which was adopted.

### **SENATE BILLS FOR PERFECTION**

At the request of Senator Lembke, **SB 569**, with **SCS**, was placed on the Informal Calendar.

Senator Schaefer moved that **SB 540** be taken up for perfection, which motion prevailed.

On motion of Senator Schaefer, **SB 540** was declared perfected and ordered printed.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 82**, with **SCS**, entitled:

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to exempting military pensions from income tax.

Was taken up by Senator Pearce.

**SCS** for **HCS** for **HB 82**, entitled:

### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 82**

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to an

income tax exemption for certain retirement benefits.

Was taken up.

Senator Pearce moved that **SCS** for **HCS** for **HB 82** be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **HCS** for **HB 82** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 745**, with **SCS**, introduced by Representative Loehner, et al, entitled:

An Act to repeal section 34.070, RSMo, and to enact in lieu thereof one new section relating to state purchasing.

Was taken up by Senator Clemens.

**SCS** for **HB 745**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 745

An Act to repeal section 34.070, RSMo, and to enact in lieu thereof one new section relating to state purchasing.

Was taken up.

Senator Clemens moved that **SCS** for **HB 745** be adopted.

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 745, Page 1, Section A, Line 2, by inserting

immediately after said line the following:

**“8.305. 1. Any appliance purchased with state moneys or a portion of state moneys shall be an appliance that has earned the Energy Star under the Energy Star program co-sponsored by the United States Department of Energy and the United States Environmental Protection Agency. For purposes of this section, the term “appliance” shall have the same meaning as in section 144.526, RSMo.**

**2. The commissioner of the office of administration may exempt any appliance from the requirements of subsection 1 of this section when the cost of compliance is expected to exceed the projected energy cost savings gained.**

**3. The provisions of this section shall expire on August 28, 2011.”; and**

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Under the provisions of Senate Rule 91, Senator Shoemyer was excused from voting on the adoption and third reading of **SCS** for **HB 745**.

Senator Crowell offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 745, Page 1, Section A, Line 2, by inserting immediately after all of said line, the following:

**“8.016. The commissioner of the office of administration shall provide each member of the senate and each member of the house with a key that accesses the dome of the state capitol.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Under the provisions of Senate Rule 91, Senator Barnitz was excused from voting on the adoption and third reading of **SCS** for **HB 745**.

Senator Lager assumed the Chair.

Senator Ridgeway offered **SA 3**, which was read:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 745, Page 1, Section 34.070, Line 14, by inserting after all of said line, the following:

**“Section 1. The commissioner of administration shall publish, on their website, all requests for proposals for any product or group of products over five hundred dollars and shall not enter into a contract or close on any request for proposal until the item has been posted on their website for thirty calendar days. Each Missouri procurement technical assistance center shall also be notified of such request for proposal. Each item to be purchased within the request for proposal shall be identified by the corresponding North American Industry Classification System code. It shall be the responsibility of the commissioner of administration in consultation with the procurement technical assistance center to establish rules to ensure that Missouri businesses, women’s business enterprises,**

**minority business enterprises, and small businesses with twenty-five or less employees have public access to all items to be purchased by the state.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Green offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Bill No. 745, Page 1, Section 1, Line 8, by inserting after the word “days” the following: “**unless an emergency exists as determined by the commissioner of administration**”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Under the provisions of Senate Rule 91, Senator Stouffer was excused from voting on the adoption and third reading of **SCS** for **HB 745**.

**SA 3**, as amended, was again taken up.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Clemens moved that **SCS** for **HB 745**, as amended, be adopted, which motion prevailed.

Senator Clemens moved that **SCS** for **HB 745**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Shields referred **SCS** for **HB 745**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

**REFERRALS**

President Pro Tem Shields referred **HCS** for **HBs 320, 39** and **662**; **HB 86**; **HCS** for **HB 580**, with **SCS**; **HCS** for **HBs 46** and **434**; **HCS** for **HB 152**; **HCS** for **HB 62**, with **SCS**; **HB 734**, with **SCS** and **HB 30**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 540**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**HOUSE BILLS ON THIRD READING**

**HB 15**, introduced by Representative Icet, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2009.



Was taken up by Senator Nodler.

On motion of Senator Nodler, **HB 15** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Lager	Mayer	McKenna	Nodler
Pearce	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson	Wright-Jones—28				

NAYS—Senators

Bartle	Crowell	Lembke	Purgason	Ridgeway—5
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Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

President Pro Tem Shields assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Nodler, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 17**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### HOUSE BILLS ON THIRD READING

**HB 716**, with **SCS**, introduced by Representative Todd, et al, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to newborn screenings.

Was taken up by Senator Mayer.

Senator Griesheimer assumed the Chair.

**SCS** for **HB 716**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 716

An Act to amend chapter 191, RSMo, by adding thereto three new sections relating to newborn screenings.

Was taken up.

Senator Mayer moved that **SCS** for **HB 716** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HB 716** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Green	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Bartle                      Crowell—2

Absent—Senator Goodman—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HBs 658** and **706**, entitled:

An Act to repeal sections 32.115, 99.1205, 135.484, 135.535, 135.680, and 208.770, RSMo, and to enact in lieu thereof seven new sections relating to the show-me milk credit.

Was taken up by Senator Clemens.

Senator Dempsey assumed the Chair.

At the request of Senator Clemens, **HCS** for **HBs 658** and **706** was placed on the Informal Calendar.

**HCS** for **HB 246**, entitled:

An Act to repeal sections 444.765, 444.766, 444.770, and 444.774, RSMo, and to enact in lieu thereof four new sections relating to surface mining and gravel excavation.

Was taken up by Senator Purgason.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 246, Page 5, Section 444.770, Lines 8-10, by striking all of said lines and inserting in lieu thereof the following: “**property not used primarily for gravel mining shall be exempt from obtaining a permit as required in**”; and further amend line 12 by striking the words “or political subdivision's”; and

Further amend said bill and section, page 6, line 26 by striking the word “three” and inserting in lieu

thereof the following: “**two**”; and further amend line 28 by striking the word “three” and inserting in lieu thereof the following: “**two**”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Purgason, **HCS** for **HB 246**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Goodman	Scott	Smith—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **HB 376**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **HB 683**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 683, Page 160, Section B, Line 25, by inserting after all of said line the following:

"Section C. The repeal and reenactment of section 307.350 of this act shall become effective on January 1, 2010.

Section D. The enactment of sections 302.182 and 302.184 of this act shall become effective on July 1, 2010."; and

Further amend the title and enacting clause accordingly.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HB 427** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 542**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 217**.

With House Amendment No. 1.

### HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 217, Section A, Page 1, Line 2 by inserting after all of said Section and Line the following:

"347.183. In addition to the other powers of the secretary established in sections 347.010 to 347.187, the secretary shall, as is reasonably necessary to enable the secretary to administer sections 347.010 to 347.187 efficiently and to perform the secretary's duties, have the following powers including, but not limited to:

(1) The power to examine the books and records of any limited liability company to which sections 347.010 to 347.187 apply, and it shall be the duty of any manager, member or agent of such limited liability company having possession or control of such books and records, to produce such books and records for examination on demand of the secretary or his designated employee; except that no person shall be subject to any criminal prosecution on account of any matter or thing which may be disclosed by examination of any limited liability company books and records, which they may produce or exhibit for examination; or on account of any other matter or thing concerning which they may make any voluntary and truthful statement in writing to the secretary or his designated employee. All facts obtained in the examination of the books and records of any limited liability company, or through the voluntary sworn statement of any manager, member, agent or employee of any limited liability company, shall be treated as confidential, except insofar as official duty may require the disclosure of same, or when such facts are material to any issue in any legal proceeding in which the secretary or his designated employee may be a party or called as witness, and, if the secretary or his designated employee shall, except as provided in this subdivision,

disclose any information relative to the private accounts, affairs, and transactions of any such limited liability company, he shall be guilty of a class C misdemeanor. If any manager, member or registered agent in possession or control of such books and records of any such limited liability company shall refuse a demand of the secretary or his designated employee, to exhibit the books and records of such limited liability company for examination, such person shall be guilty of a class B misdemeanor;

(2) The power to cancel or disapprove any articles of organization or other filing required under sections 347.010 to 347.187, if the limited liability company fails to comply with the provisions of sections 347.010 to 347.187 by failing to file required documents under sections 347.010 to 347.187, by failing to maintain a registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting any filing, by filing a required document containing a false statement, or by violating any section or sections of the criminal laws of Missouri, the federal government or any other state of the United States. Thirty days before such cancellation shall take effect, the secretary shall notify the limited liability company with written notice, either personally or by certified mail, deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent in office, or to one of the limited liability company's members or managers. Written notice of the secretary's proposed cancellation to the limited liability company, domestic or foreign, shall specify the reasons for such action. The limited liability company may appeal this notice of proposed cancellation to the circuit court of the county in which the registered office of such limited liability company is or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy of the articles of organization or other relevant documents and a copy of the proposed written cancellation thereof by the secretary, such petition to be filed within thirty days after notice of such cancellation shall have been given, and the matter shall be tried by the court, and the court shall either sustain the action of the secretary or direct him to take such action as the court may deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action. The limited liability company may provide information to the secretary that would allow the secretary to withdraw the notice of proposed cancellation. This information may consist of, but need not be limited to, corrected statements and documents, new filings, affidavits and certified copies of other filed documents;

(3) The power to rescind cancellation provided for in subdivision (2) of this section upon compliance with either of the following:

(a) The affected limited liability company provides the necessary documents and affidavits indicating the limited liability company has corrected the conditions causing the proposed cancellation or the cancellation; or

(b) The limited liability company provides the correct statements or documentation that the limited liability company is not in violation of any section of the criminal code; and

(4) The power to charge late filing fees for any filing fee required under sections 347.010 to 347.187 and the power to impose civil penalties as provided in section 347.053. Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency;

**(5) (a) The power to administratively cancel an articles of organization if the limited liability company's period of duration stated in articles of organization expires.**

**(b) Not less than thirty days before such administrative cancellation shall take effect, the secretary shall notify the limited liability company with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent and office or to one of the**

**limited liability company's managers or members.**

**(c) If the limited liability company does not timely file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number of years or perpetual, or demonstrate to the reasonable satisfaction of the secretary that the period of duration determined by the secretary is incorrect, within sixty days after service of the notice is perfected by posting with the United States Postal Service, then the secretary shall cancel the articles of organization by signing an administrative cancellation that recites the grounds for cancellation and its effective date. The secretary shall file the original of the administrative cancellation and serve a copy on the limited liability company as provided in section 347.051.**

**(d) A limited liability company whose articles of organization has been administratively cancelled continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 347.147 and notify claimants under section 347.141.**

**(e) The administrative cancellation of an articles of organization does not terminate the authority of its registered agent.**

**(6) (a) The power to rescind an administrative cancellation and reinstate the articles of organization.**

**(b) Except as otherwise provided in the operating agreement, a limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number or perpetual.**

**(c) A limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may apply to the secretary for reinstatement. The applicant shall:**

**a. Recite the name of the limited liability company and the effective date of its administrative cancellation;**

**b. State that the grounds for cancellation either did not exist or have been eliminated, as applicable, and be accompanied by documentation satisfactory to the secretary evidencing the same;**

**c. State that the limited liability company's name satisfies the requirements of section 347.020;**

**d. Be accompanied by a reinstatement fee in the amount of one hundred dollars, or such greater amount as required by state regulation, plus any delinquent fees, penalties, and other charges as determined by the secretary to then be due.**

**(d) If the secretary determines that the application contains the information and is accompanied by the fees required in paragraph (c) of this subdivision and that the information and fees are correct, the secretary shall rescind the cancellation and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original articles of organization, and serve a copy on the limited liability company as provided in section 347.051.**

**(e) When the reinstatement is effective, it shall relate back to and take effect as of the effective date of the administrative cancellation of the articles of organization and the limited liability company may continue carrying on its business as if the administrative cancellation had never occurred.**

**(f) In the event the name of the limited liability company was reissued by the secretary to another**

**entity prior to the time application for reinstatement was filed, the limited liability company applying for reinstatement may elect to reinstate using a new name that complies with the requirements of section 347.020 and that has been approved by appropriate action of the limited liability company for changing the name thereof.**

**(g) If the secretary denies a limited liability company's application for reinstatement following administrative cancellation of the articles of organization, he or she shall serve the limited liability company as provided in section 347.051 with a written notice that explains the reason or reasons for denial.**

**(h) The limited liability company may appeal a denial of reinstatement as provided for in subdivision (2) of this section.**

**(7) Subdivision (6) of this section shall apply to any limited liability company whose articles of organization was cancelled because such limited liability company's period of duration stated in the articles of organization expired on or after August 28, 2003.**

359.681. In addition to the power and authority given the secretary of state by this chapter, the secretary of state or his designee shall have such further authority as is reasonably necessary to enable the secretary of state to administer this chapter efficiently and to perform the secretary of state's duties. This authority shall consist of, but is not limited to, the following powers:

(1) (a) The power to examine the books and records of any limited partnership to which this chapter applies, and it shall be the duty of any general partner or agent of such limited partnership to produce such books and records for examination on demand of the secretary of state or designated employee; provided, that no person shall be subject to any criminal prosecution on account of any matter or thing which may be disclosed by the examination of any limited partnership books, or records, which they may produce or exhibit for examination; or on account of any matter or thing concerning which they may make any voluntary and truthful statement in writing to the secretary of state, or designated employee. All facts obtained in the examination of the books and records of any limited partnership, or through voluntary sworn statement of any partner, agent, or employee of any limited partnership, shall be treated as confidential, except insofar as official duty may require the disclosure of same; or when such facts are material to any issue in any legal proceeding in which the secretary of state or designated employee may be a party or called as a witness, and, if the secretary of state or designated employee shall, except as herein provided, disclose any information relative to the private accounts, affairs, and transactions of any such limited partnership, he shall be deemed guilty of a class C misdemeanor.

(b) If any general partner, or registered agent, of any such limited partnership shall refuse the demand of the secretary of state, or designated employee, to exhibit the books and records of such limited partnership for examination, he, or they, shall be deemed guilty of a class B misdemeanor.

(2) (a) The power to cancel or disapprove any certificate of limited partnership or other filing required under this chapter, if the limited partnership fails to comply with the provisions of this chapter by failing to file required documents under this chapter by failing to maintain a registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting any filing, by filing a required document containing a false statement, or by violating any section or sections of the criminal laws of Missouri, the federal government or any other state of the United States. Thirty days before such cancellation shall take effect, the secretary of state shall notify the limited partnership with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail

in a sealed envelope addressed to such limited partnership's last registered agent and office or to one of the limited partnership's general partners. The written notice of the secretary of state's proposed cancellation to the limited partnership, domestic or foreign, will specify the reasons for such action.

(b) The limited partnership may appeal this notice of proposed cancellation to the circuit court of the county in which the registered office of such limited partnership is or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy of the certificate of limited partnership or other relevant documents and a copy of the proposed written cancellation thereof by the secretary of state, such petition to be filed within thirty days after notice of such cancellation shall have been given, and the matter shall be tried by the court, and the court shall either sustain the action of the secretary of state or direct him to take such action as the court may deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action.

(c) The limited partnership may provide information to the secretary of state that would allow the secretary of state to withdraw the notice of proposed cancellation. This information may consist of, but need not be limited to, corrected statements and documents, new filings, affidavits and certified copies of other filed documents.

(3) The power to rescind a cancellation provided for in subsection 2 of this section upon compliance with either of the following:

(a) The affected limited partnership provides the necessary documents and affidavits indicating the limited partnership has corrected the conditions causing the proposed cancellation or the cancellation;

(b) The limited partnership provides the correct statements or documentation that the limited partnership is not in violation of any section of the criminal code.

(4) The power to charge late filing fees for any filing fee required under this chapter. Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency.

**(5) (a) The power to administratively cancel a certificate of limited partnership if the limited partnership's period of duration stated in the certificate of limited partnership expires.**

**(b) Not less than thirty days before such administrative cancellation shall take effect, the secretary of state shall notify the limited partnership with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited partnership's last registered agent and office or to one of the limited partnership's general partners.**

**(c) If the limited partnership does not timely file a certificate of amendment in accordance with section 359.101 to extend the duration of the limited partnership, which may be any number of years or perpetual, or demonstrate to the reasonable satisfaction of the secretary of state that the period of duration determined by the secretary of state is incorrect, within sixty days after service of the notice is perfected by posting with the United States Postal Service, then the secretary of state shall cancel the certificate of limited partnership by signing a certificate of administrative cancellation that recites the grounds for cancellation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the limited partnership as provided in section 359.141.**

**(d) A limited partnership whose certificate of limited partnership has been administratively cancelled continues its existence but may not carry on any business except that necessary to wind up**



and liquidate its business and affairs under section 359.471 and notify claimants under section 359.481.

(e) The administrative cancellation of a certificate of limited partnership does not terminate the authority of its registered agent.

(6) (a) The power to rescind an administrative cancellation and reinstate the certificate of limited partnership.

(b) Except as otherwise provided in the partnership agreement, a limited partnership whose certificate of limited partnership has been administratively cancelled under subdivision (5) of this section may file a certificate of amendment in accordance with section 359.101 to extend the duration of the limited partnership, which may be any number or perpetual.

(c) A limited partnership whose certificate of limited partnership has been administratively cancelled under subdivision (5) of this section may apply to the secretary of state for reinstatement. The applicant shall:

a. Recite the name of the limited partnership and the effective date of its administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, as applicable, and be accompanied by documentation satisfactory to the secretary of state evidencing the same;

c. State that the limited partnership's name satisfies the requirements of section 359.021;

d. Be accompanied by a reinstatement fee in the amount of one hundred dollars, or such greater amount as required by state regulation, plus any delinquent fees, penalties, and other charges as determined by the secretary of state to then be due.

(d) If the secretary of state determines that the application contains the information and is accompanied by the fees required in paragraph (c) of this subdivision and that the information and fees are correct, the secretary of state shall rescind the certificate of administrative cancellation and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original of the certificate, and serve a copy on the limited partnership as provided in section 359.141.

(e) When the reinstatement is effective, it shall relate back to and take effect as of the effective date of the administrative cancellation of the certificate of limited partnership and the limited partnership may continue carrying on its business as if the administrative cancellation had never occurred.

(f) In the event the name of the limited partnership was reissued by the secretary of state to another entity prior to the time application for reinstatement was filed, the limited partnership applying for reinstatement may elect to reinstate using a new name that complies with the requirements of section 359.021 and that has been approved by appropriate action of the limited partnership for changing the name thereof.

(g) If the secretary of state denies a limited partnership's application for reinstatement following administrative cancellation of the certificate of limited partnership, he or she shall serve the limited partnership as provided in section 359.141 with a written notice that explains the reason or reasons

for denial.

(h) The limited partnership may appeal a denial of reinstatement as provided for in paragraph (b) of subdivision (2) of this section.

(7) Subdivision (6) of this section shall apply to any limited partnership whose certificate of limited partnership was cancelled because such limited partnership's period of duration stated in the certificate of limited partnership expired on or after August 28, 2003.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed SCS for **SB 231**.

Bill ordered enrolled.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 395**, as amended: Senators Stouffer, Schmitt, Champion, Barnitz and Shoemyer.

### HOUSE BILLS ON THIRD READING

Senator Shields moved that **SS** for **HCS** for **HB 154**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **HCS** for **HB 154**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Green	Griesheimer	Justus	Lager	Mayer	McKenna	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

#### NAYS—Senators

Bartle	Bray	Lembke—3
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#### Absent—Senators

Goodman	Scott—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **HB 376**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HB 376**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Goodman      Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Barnitz      Ridgeway—2

Absent—Senators

Goodman      Scott—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Stouffer moved that **SS** for **SCS** for **HB 683**, as amended, with **SCA 1**, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

**SCA 1** was taken up.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

**SS** for **SCS** for **HB 683**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Goodman      Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Barnitz—1

Absent—Senators

Goodman      Scott—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Pearce moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 427**, as amended, and grant the House a conference thereon, which motion prevailed.

### RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 1045, regarding Kathy O’Neal, which was adopted.

Senator Stouffer offered Senate Resolution No. 1046, regarding Arlene Heins, which was adopted.

Senator Stouffer offered Senate Resolution No. 1047, regarding Shara Rowen, which was adopted.

Senator Stouffer offered Senate Resolution No. 1048, regarding Myrna Soendker, which was adopted.

Senator Stouffer offered Senate Resolution No. 1049, regarding Dennis Kramer, which was adopted.

Senator Stouffer offered Senate Resolution No. 1050, regarding Karla Storm, which was adopted.

Senator Stouffer offered Senate Resolution No. 1051, regarding Carolyn Lock, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 1052, regarding Mark Godfrey, Liberty, which was adopted.

Senator Stouffer offered Senate Resolution No. 1053, regarding Rachael Selby, Cassville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1054, regarding Lindsey Hicks, Richmond, which was adopted.

Senator Crowell offered Senate Resolution No. 1055, regarding Casey Bucher, Leopold, which was adopted.

Senator Crowell offered Senate Resolution No. 1056, regarding Janice Bueter, Leopold, which was adopted.

Senator Crowell offered Senate Resolution No. 1057, regarding April Nenninger, Leopold, which was adopted.

Senator Crowell offered Senate Resolution No. 1058, regarding Wade Wiseman, Leopold, which was adopted.

Senator Crowell offered Senate Resolution No. 1059, regarding Tyler Brune, Sedgewickville, which was adopted.

Senator Crowell offered Senate Resolution No. 1060, regarding Tyler Welker, Marble Hill, which was adopted.

Senator Crowell offered Senate Resolution No. 1061, regarding Chelsey Stoverink, Leopold, which was adopted.

Senator Crowell offered Senate Resolution No. 1062, regarding Amy Beel, Leopold, which was adopted.

Senator Crowell offered Senate Resolution No. 1063, regarding Josh Wiseman, Fruitland, which was adopted.

Senator Crowell offered Senate Resolution No. 1064, regarding Whitney Woodall, Cape Girardeau, which was adopted.

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 37**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to guaranteeing the right to vote by secret ballot.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 22**, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 243**.

Bill ordered enrolled.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 427**, as amended: Senators Pearce, Crowell, Cunningham, Barnitz and Shoemyer.

### PRIVILEGED MOTIONS

Senator Shields moved that **SB 215**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 215**, as amended, was taken up.

Senator Dempsey assumed the Chair.

Senator Shields moved that **HCS** for **SB 215**, as amended, be adopted.

A quorum was established by the following vote:

Present—Senators

Barnitz

Bartle

Bray

Callahan

Champion

Crowell

Cunningham

Days

Dempsey	Engler	Goodman	Griesheimer	Justus	Lembke	Mayer	Nodler
Pearce	Purgason	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Smith
Stouffer	Wilson	Wright-Jones—27					

## Absent—Senators

Clemens	Green	Lager	McKenna	Ridgeway	Scott—6
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Absent with leave—Senator Vogel—1

Vacancies—None

At the request of Senator Shields, the motion to adopt **HCS** for **SB 215**, as amended, was withdrawn, which placed the bill back on the Calendar.

**INTRODUCTIONS OF GUESTS**

Senator Shields introduced to the Senate, Tyson Markham, Kansas City.

On motion of Senator Engler, the Senate adjourned under the rules.

**SENATE CALENDAR**


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SIXTY-FIFTH DAY—TUESDAY, MAY 5, 2009

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**FORMAL CALENDAR****HOUSE BILLS ON SECOND READING**

HJR 37-Cunningham

HCS for HB 22

**THIRD READING OF SENATE BILLS**

SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)

SB 540-Schaefer

**HOUSE BILLS ON THIRD READING**

1. HB 65-Wilson (119), et al (Pearce)  
(In Fiscal Oversight)
2. HCS for HBs 320, 39 & 662 (Mayer)  
(In Fiscal Oversight)

3. HB 86-Sutherland (Lager)  
(In Fiscal Oversight)
4. HCS for HB 580, with SCS (Dempsey)  
(In Fiscal Oversight)

- |  |   |
|--|---|
| 5. HCS for HBs 46 & 434 (Mayer)<br>(In Fiscal Oversight)               | 10. HB 30-Brandom, et al, with SCS<br>(Goodman) (In Fiscal Oversight) |
| 6. HCS for HB 152 (Bartle)<br>(In Fiscal Oversight)                    | 11. HB 218-Ervin (Dempsey)  |
| 7. HCS for HB 62, with SCS (Bartle)<br>(In Fiscal Oversight)           | 12. HCS for HB 863 (Cunningham)                                       |
| 8. HB 734-Ruzicka and Hobbs, with SCS<br>(Lager) (In Fiscal Oversight) | 13. HCS for HB 909 (Crowell)  |
| 9. HCS for HJR 32, with SCA 1 (Schaefer)                               | 14. HCS for HB 299 (Pearce)   |
|  | 15. HCS for HB 577, with SCS (Rupp)                                   |
|  | 16. HB 258-Jones (89), et al, with SCS (Rupp)                         |
|  | 17. HCS for HB 17, with SCS (Nodler)                                  |

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 7-Griesheimer, with SS (pending)  | SB 254-Barnitz, with SS (pending)   |
| SB 18-Bray, et al, with SCS & SS for SCS<br>(pending)  | SBs 261, 159, 180 & 181-Bartle and<br>Goodman, with SCS & SS#3 for SCS<br>(pending) |
| SB 29-Stouffer   | SB 264-Mayer  |
| SBs 45, 212, 136, 278, 279, 285 &<br>288-Pearce and Smith, with SCS &<br>SS#3 for SCS (pending)      | SB 267-Mayer and Green, with SA 1<br>(pending)                                      |
| SB 57-Stouffer, with SCS & SA 1 (pending)  | SB 284-Lembke, et al, with SA 1 (pending)   |
| SB 72-Stouffer, with SCS   | SB 299-Griesheimer, with SCS & SS for<br>SCS (pending)                              |
| SB 94-Justus, et al, with SCS & SS for<br>SCS (pending)  | SB 321-Days, et al, with SCS (pending)  |
| SB 174-Griesheimer and Goodman, with<br>SCS, SS#2 for SCS & SA 2 (pending)                           | SB 364-Clemens and Schaefer   |
| SCS for SB 189-Shields   | SB 409-Stouffer, with SCS (pending)   |
| SBs 223 & 226-Goodman and Nodler, with<br>SCS & SA 1 (pending)                                       | SB 477-Wright-Jones, with SS (pending)  |
| SB 228-Scott, with SCS, SS for SCS, SA 12,<br>SSA 1 for SA 12 & SA 1 to SSA 1<br>for SA 12 (pending) | SB 527-Nodler and Bray  |
| SB 236-Lembke  | SB 555-Lager, with SCS, SS for SCS &<br>SA 2 (pending)                              |
|  | SB 569-Lembke, with SCS   |
|  | SB 572-Dempsey and Justus   |
|  | SJR 12-Scott, with SCS (pending)  |

### HOUSE BILLS ON THIRD READING

- |  |   |
|--|---|
| HCS for HBs 128 & 340, with SA 1<br>(pending) (Scott)            | HB 229-Ervin, with SCS, SS for SCS, SA 8,<br>SSA 1 for SA 8 & SA 1 to SSA 1<br>for SA 8 (pending) (Dempsey) |
| HCS for HB 191, with SCS & SS for SCS<br>(pending) (Griesheimer) | HB 287-Day, et al, with SS (pending) (Mayer)  |



HCS for HB 481 (Lembke)	HB 659-Dusenberger, et al, with SCS & SA 1
HB 488-Schad, et al, with SCS (pending)	(pending) (Bartle)
(Pearce)	SCS for HB 745-Loehner, et al (Clemens)
HCS for HB 495, with SCS, SS for SCS, SA 1,	(In Fiscal Oversight)
SSA 2 for SA 1 & SA 1 to SSA 2	HCS for HJR 10, with SS (pending)
for SA 1 (pending) (Griesheimer)	(Lembke)
HCS for HBs 658 & 706 (Clemens)	

### CONSENT CALENDAR

#### House Bills

#### Reported 4/9

HCS for HB 251 (Clemens)	HB 593-Viebrock (Crowell)
HB 210-Deeken (Crowell)	HB 678-Wasson (Goodman)
HB 400-Nasheed, et al (Pearce)	HB 537-Dixon, et al (Wright-Jones)

#### Reported 4/14

HB 83-Wood, with SCS (Goodman)	HB 698-Zimmerman, et al (Schmitt)
HCS for HB 124 (McKenna)	HCS for HB 895 (Stouffer)
HB 282-Stevenson, et al (Nodler)	HB 918-Kelly (Schaefer)
HB 652-Pratt (Bartle)	HB 919-Ruestman, et al (Goodman)

#### Reported 4/15

HCS for HB 525 (Schmitt)	HB 859-Dieckhaus, et al (Griesheimer)
HCS for HB 231 (Rupp)	HB 283-Wood, with SCS (Goodman)
HB 826-Brown (149), et al (Lembke)	HCS for HBs 234 & 493 (Shoemyer)
HCS for HB 685 (Goodman)	HB 289-Wallace (Mayer)
HB 811-Wasson (Scott)	HB 373-Wallace, with SCS (Mayer)
HCS for HB 273 (Scott)	HB 490-Schad, et al (Pearce)
HCS for HB 485 (Mayer)	HB 682-Swinger, et al (Mayer)

### SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 71-Stouffer, with HCS, as	SB 154-Goodman, with HCS
amended	SCS for SB 157-Schmitt, with HCS, as
SB 147-Dempsey, with HCS	amended

SB 215-Shields, with HCS, as amended  
SB 217-Goodman, with HA 1  
SB 235-Cunningham, with HCS, as amended  
SCS for SB 338-Rupp, with HCS

SB 435-Lembke, with HCS  
SB 526-Clemens, with HA 1, HA 2, HA 3 &  
HA 4  
SCS for SB 563-Smith, with HCS

**BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES**

**In Conference**

SCS for SB 242-Pearce, with HCS, as  
amended  
SS for SB 307-Dempsey, with HCS, as  
amended  
SB 513-Dempsey, with HA 1, as amended  
HCS for HB 2, with SS for SCS (Nodler)  
HCS for HB 3, with SS for SCS (Nodler)  
HCS for HB 4, with SCS (Nodler)  
HCS for HB 5, with SCS (Nodler)  
HCS for HB 6, with SCS (Nodler)  
HCS for HB 7, with SCS (Nodler)  
HCS for HB 8, with SCS (Nodler)  
HCS for HB 9, with SCS (Nodler)  
HCS for HB 10, with SCS (Nodler)

HCS for HB 11, with SCS (Nodler)  
HCS for HB 12, with SCS (Nodler)  
HB 13-Icet, with SCS (Nodler)  
HB 91-Pollock, with SCS (Purgason)  
HCS for HB 148, with SCS#2 (Griesheimer)  
HCS for HB 265, with SCS (Crowell)  
HB 269-Parson, et al, with SCS, as  
amended (Scott)  
HB 395-Nance, et al, with SS for SCS, as  
amended (Stouffer)  
HCS for HB 397 & HCS for HB 947, with  
SCS (Ridgeway)  
HCS for HB 427, with SCS, as amended  
(Pearce)

**Requests to Recede or Grant Conference**

SCS for SB 47-Scott, with HCS  
(Senate requests House recede or  
grant conference)  
SB 171-Griesheimer, with HCS, as amended  
(Senate requests House recede or  
grant conference)

SB 296-Scott, with HCS, as amended  
(Senate requests House recede or  
grant conference)  
SB 464-Stouffer, with HCS, as amended  
(Senate requests House recede or  
grant conference)

**RESOLUTIONS**

**Reported from Committee**

SR 141-Engler, with point of order  
(pending)  
SCR 7-Pearce

SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp

SCR 23-Schmitt  
HCS for HCR 16 (Cunningham)  
SCR 13-Pearce

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# Journal of the Senate

## FIRST REGULAR SESSION

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**SIXTY-FIFTH DAY—TUESDAY, MAY 5, 2009**

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The Senate met pursuant to adjournment.

Senator Stouffer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Days are scrolls: write on them what you want to be remembered.” (Bahya ibn Pakuda)

Gracious God, we recognize the gift of each day and often the importance of it. Help us to use each day as if it were a day that would be recorded in history and what it says about us is what we want to be known and remembered by others. So help us use this day as is keeping with what is truly important to You and needed by others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from WDAF-TV and Fox 4 TV-Kansas City were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Days offered Senate Resolution No. 1065, regarding Kara Colleen O'Malley, which was adopted.

Senator Crowell offered Senate Resolution No. 1066, regarding Kristian Paige Gilliland, Morley, which was adopted.

Senator Crowell offered Senate Resolution No. 1067, regarding Stacy Jo Wells, Morley, which was adopted.

Senator Crowell offered Senate Resolution No. 1068, regarding Alison Ayiht Yuen, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1069, regarding Jessie Yvonne Hahn, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1070, regarding Tyler D. James, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1071, regarding Bret Alan Steffens, Farrar, which was adopted.

Senator Crowell offered Senate Resolution No. 1072, regarding Jarod Paul Koenig, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 1073, regarding Christopher Martin Roth, Cape Girardeau, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Pearce moved that **SCR 13** be taken up for adoption, which motion prevailed.

On motion of Senator Pearce, **SCR 13** was adopted by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

## NAYS—Senators—None

## Absent—Senators

Griesheimer	Purgason	Schmitt—3
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Absent with leave—Senator Green—1

Vacancies—None

**HOUSE BILLS ON SECOND READING**

The following Joint Resolution and Bill were read the 2nd time and referred to the Committees indicated:

**HJR 37**—General Laws.

**HCS** for **HB 22**—Appropriations.

### THIRD READING OF SENATE BILLS

**SB 540**, introduced by Senator Schaefer, entitled:

An Act to authorize the conveyance of certain state property, with an emergency clause.

Was taken up.

On motion of Senator Schaefer, **SB 540** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 17**, with **SCS**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2009 and ending June 30, 2011.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 17**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 17**

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2009 and ending June 30, 2011.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 17** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 17** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Bartle              Lembke—2

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**PRIVILEGED MOTIONS**

Senator Dempsey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 307**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE BILL NO. 307**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 307, with House Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 307, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Bill No. 307;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 307 be Third Read and Finally Passed.

**FOR THE SENATE:**

/s/ Tom Dempsey  
/s/ Robert Mayer  
/s/ Jack A. L. Goodman  
/s/ Wes Shoemyer  
/s/ Jeff Smith

**FOR THE HOUSE:**

/s/ Rob Schaaf  
/s/ Tim Jones  
/s/ Mark Bruns  
/s/ Jeanne Kirkton  
/s/ Michael Talboy

Was taken up.

Senator Dempsey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

**YEAS—Senators**

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

**NAYS—Senator Bartle—1**

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None



On motion of Senator Dempsey, **CCS** for **HCS** for **SS** for **SB 307**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE BILL NO. 307

An Act to amend chapters 190, 205, 633, and 660, RSMo, by adding thereto twenty-six new sections relating to provider assessments, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Goodman moved that **SB 217**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Goodman moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Goodman, **SB 217**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Dempsey—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Schmitt moved that **SCS** for **SB 157**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SCS for SB 157**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 157

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to autism as addressed by the division of developmental disabilities.

Was taken up.

Senator Schmitt moved that **HCS for SCS for SB 157**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Dempsey      Smith—2

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schmitt, **HCS for SCS for SB 157**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Bartle—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

### **RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 1074, regarding Jerica Anne Rogers, Zalma, which was adopted.

Senator Crowell offered Senate Resolution No. 1075, regarding Karen Elizabeth Holman, Sturdivant, which was adopted.

Senator Crowell offered Senate Resolution No. 1076, regarding Laura Felter, Benton, which was adopted.

Senator Crowell offered Senate Resolution No. 1077, regarding Brandon Hicks, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1078, regarding Mr. and Mrs. Jason Todt, which was adopted.

Senator Engler offered Senate Resolution No. 1079, regarding Ashley M. Buford, Belleview, which was adopted.

Senator Engler offered Senate Resolution No. 1080, regarding Alaina J. Copeland, Belleview, which was adopted.

Senator Cunningham offered Senate Resolution No. 1081, regarding Zhimeng “Kristy” Yang, Chesterfield, which was adopted.

Senator Smith offered Senate Resolution No. 1082, regarding Jerry Cannon, Saint Louis, which was adopted.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SJR 5**.

Joint Resolution ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **HCS** for **HB 246** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HCS** for **HB 154** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HB 683** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon, and permit conferees to exceed the differences to the extent necessary to add language previously approved by the House Insurance Committee in proposed Section 302.341.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HJR 32**, with **SCA 1**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, and adopting one new section relating to the fifth state building bond and interest fund.

Was taken up by Senator Schaefer.

**SCA 1** was taken up.

Senator Schaefer moved that the above amendment be adopted.

Senator Purgason offered **SA 1** to **SCA 1**, which was read:

#### **SENATE AMENDMENT NO. 1 TO SENATE COMMITTEE AMENDMENT NO. 1**

Amend Senate Committee Amendment No. 1 to House Committee Substitute for House Joint Resolution No. 32, as it appears on Page 1325 of the Senate Journal for Thursday, April 30, 2009, Line 32 of said journal page, by striking all of said line and inserting in lieu thereof the following: "by striking the words "seven hundred million" and inserting in lieu thereof the following: "**two billion**"; and further amend line 4,".

Senator Purgason moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

President Kinder assumed the Chair.

At the request of Senator Schaefer, **HCS** for **HJR 32**, with **SCA 1** and **SA 1** to **SCA 1** (pending), was placed on the Informal Calendar.

**HB 218**, introduced by Representative Ervin, entitled:

An Act to repeal section 376.966, RSMo, and to enact in lieu thereof one new section relating to Missouri high risk insurance pool.

Was taken up by Senator Dempsey.

On motion of Senator Dempsey, **HB 218** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 863**, entitled:

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the child witness protection act.

Was taken up by Senator Cunningham.

Senator Bartle assumed the Chair.

Senator Engler assumed the Chair.

Senator Bartle assumed the Chair.

On motion of Senator Cunningham, **HCS for HB 863** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Crowell Days—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

HCS for **HB 909** was placed on the Informal Calendar.

HCS for **HB 909**, entitled:

An Act to authorize the conveyance of property owned by the state in Cape Girardeau County.

Was called from the Informal Calendar and taken up by Senator Crowell.

Senator Wright-Jones offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 909, Page 1, In the Title, Line 2 of the title, by striking the following: "in Cape Girardeau County"; and

Further amend said bill, Page 2, Section 1, Line 35, by inserting after all of said line the following:

**"Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in St. Louis City to Harris-Stowe State University. The property to be conveyed is more particularly described as follows:**

**Lots 29, 30, 31, 32, 33 and part of Lots 27 and 28 in Block 2 of CHELTENHAM, Lots 21, 22, 23, and part of Lot 20 of WIBLE'S EASTERN ADDITION to CHELTENHAM, together with Western 36 feet of former January Avenue vacated under the provisions of Ordinance No. 52058, and in Blocks 4022 and 4023 of the City of St. Louis, more particularly described as follows: Beginning at a point in the North line of Wilson Avenue, 40 feet wide, at its intersection with a line 36 feet East of and parallel to the West line of former January Avenue 60 feet wide, as vacated under the provisions of Ordinance No. 52058; thence North 82 degrees 57 minutes 15 seconds West along said North line of Wilson Avenue a distance of 355.20 feet to a point; thence North 8 degrees 15 minutes 30 seconds East a distance of 472.56 feet to a point in the Southerly Right-of-Way line of Interstate Highway I-44; thence in an Easterly direction along said Right-of-Way line North 87 degrees 03 minutes 45 seconds East a distance of 25.59 feet to an angle point being located in the Eastern line of Lot 20 of Wible's Eastern Addition to Cheltenham, said point being 477 feet North along the Eastern line of said Wible's Addition from the Northern Line of Wilson Avenue, 40 feet wide; thence South 87 degrees 53 minutes 03 seconds East and along said I-44 Right-of-Way line 295.71 feet to a point in the West line of said former January Avenue vacated as aforesaid at a point being 502.42 feet North along said line from the Northern line of Wilson Avenue thence North 74 degrees 42 minutes 01 seconds East along the South Right-of-Way line of I-44 a distance of 39.27 feet to a point in a line 36 feet East of and parallel to said West line of former January Avenue; vacated as aforesaid; thence South 8 degrees 15 minutes 30 seconds West along said line 36 feet East of the West line of former January Avenue, vacated as aforesaid, a distance of 517.36 feet to the point of beginning.**

**2. The commissioner of administration shall set the terms and conditions for the conveyance as**

the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

**3. The attorney general shall approve the form of the instrument of conveyance.”; and**

Further amend the title and enacting clause accordingly.

Senator Wright-Jones moved that the above amendment be adopted, which motion prevailed.

Senator Wright-Jones offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 909, Page 1, In the Title, Line 2 of the title, by striking the following: “in Cape Girardeau County”; and

Further amend said bill, Page 2, Section 1, Line 35, by inserting after all of said line the following:

**“Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to the state highways and transportation commission all interest of the state of Missouri in real property located in part of City Block Number 239 and 240 in the city of St. Louis. The property to be conveyed is more particularly described as follows:**

**Commencing at the Northwest corner of City Block Number 239; thence South 18 degrees 13 minutes 13 seconds East for a distance of 62.14 feet to centerline Station 68+00.00; thence South 62 degrees 38 minutes 07 seconds West for a distance of 241.54 feet to centerline P.T. Station 65+58.46; BEGINNING AGAIN at centerline Station 68+00.00; on the centerline of Interstate Highway 70; thence North 62 degrees 38 minutes 07 seconds East for a distance of 239.19 feet to centerline P.C. Station 70+39.19; thence Northeasterly along the arc of a curve to the right having a radius of 1,892.60 for a distance of 81.74 feet to centerline Station 71+20.93; thence Southeasterly leaving the centerline of said Interstate Route 70 to a point 4.87 feet Southeasterly of and radial to said centerline Station 71+20.93, BEING THE POINT OF BEGINNING; thence Southerly to a point 73.35 feet Southeasterly of and radial to centerline Station 71+08.40; thence Southwesterly along the arc of a curve to the left having a radius of 1910 feet a distance of 76.83 feet to a point 74.77 feet Southeasterly of and at a right angle to centerline Station 70+31.57; thence Southwesterly to a point 66.72 feet Southeasterly of and at a right angle to centerline Station 68+99.79; thence southwesterly to a point 79.31 feet southeasterly of and at right angle to centerline Station 68+04.62; thence southwesterly to a point 79.83 feet southeasterly of and at right angle to centerline station 67+78.62; thence Northerly to a point 61.35 feet Northwesterly of and at a right angle to centerline Station 68+09.88; thence Easterly to the point of BEGINNING, and containing 32,682 square feet, more or less.**

Also, all of abutter’s rights of direct access between the highway now known as Interstate Highway 70 and grantor’s abutting land in City Block Number 239 and 240, St. Louis City, Missouri.

**2. The governor is also hereby authorized and empowered to give, grant, bargain, and convey a permanent transmission easement for construction and maintenance of utilities to the state highways and transportation commission, and any successors or assigns as designated by the commission, which is located in part of City Block Number 239 and 240 in the city of St. Louis, Missouri. The permanent transmission easement is more particularly described as follows:**



Commencing at the Northwest corner of City Block Number 239; thence South 18 degrees 13 minutes 13 seconds East for a distance of 62.14 feet to centerline Station 68+00.00; thence South 62 degrees 38 minutes 07 seconds West for a distance of 241.54 feet to centerline P.T. Station 65+58.46; BEGINNING AGAIN at centerline Station 68+00.00 on the centerline of Interstate Highway 70; thence North 62 degrees 38 minutes 07 seconds East for a distance of 4.62 feet to centerline Station 68+04.62; thence Southeasterly to a point 79.31 feet Southeasterly of and at a right angle to said centerline Station 68+04.62, BEING THE POINT OF BEGINNING; thence Southerly to a point 265.03 feet Southeasterly of and at a right angle to centerline Station 67+63.71; thence Southerly to a point 703.22 feet Southeasterly of and at a right angle to centerline Station 66+15.05; thence continuing Southerly to a point 759.86 feet Southeasterly of and at a right angle to centerline Station 65+66.31; thence Northerly to a point 278.24 feet Southeasterly of and at a right angle to centerline Station 67+34.70; thence Northerly to a point 79.83 feet Southeasterly of and at a right angle to centerline Station 67+78.62; thence Northeasterly to the point of BEGINNING, and containing 17,333 square feet, more or less.

3. In addition, the instruments of conveyance noted in subsections 1 and 2 of this section shall contain such other restrictions, temporary easements, and any other conditions as are deemed necessary by the governor and the commission to construct a new Mississippi River bridge and necessary accompanying state highways.

4. Consideration for the conveyance shall be as negotiated by the commissioner of administration and the state highways and transportation commission.

5. The attorney general shall approve the form of the instrument of conveyance.”; and

Further amend the title and enacting clause accordingly.

Senator Wright-Jones moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Crowell, **HCS** for **HB 909** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Days Purgason—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 427**, as amended. Representatives: Day, Largent, Fisher (125), Norr and Kander.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 171**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 464**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 296**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 47** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 359**, as amended, and has taken up and passed **SS** for **SCS** for **HCS** for **HB 359**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HBs 93** and **216**, as amended, and has taken up and passed **SCS** for **HCS** for **HBs 93** and **216**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 111** and has taken up and passed **SCS** for **HCS** for **HB 111**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 861** and has taken up and passed **SCS** for **HB 861**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 752** and has taken up and passed **SCS** for **HCS** for **HB 752**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 661**, as amended, and has taken up and passed **SS** for **HCS** for **HB 661**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 171** and has taken up and passed **SCS** for **HB 171**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 272** and has taken up and passed **SCS** for **HCS** for **HB 272**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 205** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 205**.

### **PRIVILEGED MOTIONS**

Senator Shields moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 154**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Stouffer moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 683**, as amended, and grant the House a conference thereon; and further that the conferees be allowed to exceed the differences to enable the Macks Creek language to apply statewide rather than localized, which motion prevailed.

On motion of Senator Engler, the Senate recessed until 7:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

### **HOUSE BILLS ON THIRD READING**

Senator Bartle moved that **HB 659**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Bartle, **HB 659**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Dempsey assumed the Chair.

**HCS** for **HB 299**, entitled:

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to appropriations to the Missouri Arts Council.

Was taken up by Senator Pearce.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 299, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “taxation.”; and

Further amend said bill, page 4, section 143.183, line 111, by inserting after all of said line the following:

**“144.055. Beginning January 1, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, RSMo, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235, RSMo, all electrical energy, gas, water, and other utilities including telecommunication services, machinery, equipment, or computers used by data center and server farm facilities that are more than twenty thousand square feet of space.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Pearce raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

On motion of Senator Pearce, **HCS** for **HB 299** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Dempsey	Engler	Goodman	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Smith	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators—None

Absent—Senators

Days	Green	Griesheimer	Shoemyer	Stouffer—5
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 866** and has taken up and passed **SCS** for **HB 866**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 237**, **HB 238** and **HB 482** and has taken up and passed **SCS** for **HCS** for **HB 237**, **HB 238** and **HB 482**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HBs 836** and **753** and has taken up and passed **SCS** for **HCS** for **HBs 836** and **753**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 867** and has taken up and passed **SCS** for **HB 867**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 667** and has taken up and passed **SCS** for **HCS** for **HB 667**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** and **SA 2** to **HB 644** and has taken up and passed **HB 644**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 326** and has taken up and passed **SCS** for **HB 326**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 236** and has taken up and passed **SCS** for **HCS** for **HB 236**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 506** and has taken up and passed **SCS** for **HB 506**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 922** and has taken up and passed **SCS** for **HB 922**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 257** and has taken up and passed **SCS** for **HB 257**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 247** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 247**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 171**, as amended. Representatives: Schlottach, Jones (89), Funderburk, Burnett and Brown (73).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 47**. Representatives: Bruns, Jones (117), Flanigan, Norr and Walton Gray.

### PRIVILEGED MOTIONS

Senator Cunningham moved that **SB 235**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 235**, as amended, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 235

An Act to repeal sections 137.016, 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.052, 408.140, 408.233, 408.250, 408.300, 436.350, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, and to enact in lieu thereof thirty-seven new sections relating to manufactured homes, with penalty provisions.

Was taken up.

Senator Cunningham moved that **HCS** for **SB 235**, as amended, be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Dempsey	Engler	Goodman	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Smith	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators—None

Absent—Senators

Days            Green            Griesheimer      Shoemyer            Stouffer—5

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Cunningham, **HCS** for **SB 235**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Dempsey	Engler	Goodman	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Smith	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators—None

Absent—Senators

Days            Green            Griesheimer      Shoemyer            Stouffer—5

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 577**, with **SCS**, entitled:

An Act to repeal sections 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, and 379.1412, RSMo, and to enact in lieu thereof nine new sections relating to captive insurance companies.

Was taken up by Senator Rupp.

**SCS** for **HCS** for **HB 577**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 577**

An Act to repeal sections 143.441, 147.010, 148.370, 303.024, 374.456, 374.715, 374.740, 374.755,

375.020, 375.1025, 375.1028, 375.1030, 375.1032, 375.1035, 375.1037, 375.1040, 375.1042, 375.1045, 375.1047, 375.1050, 375.1052, 375.1057, 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, 379.1412, 382.400, 382.402, 382.405, 382.407, 382.409, 384.025, 384.031, 384.043, 384.051, 384.057, and 384.062, RSMo, and to enact in lieu thereof forty-eight new sections relating to the regulation of insurance, with penalty provisions.

Was taken up.

Senator Rupp moved that **SCS** for **HCS** for **HB 577** be adopted.

Senator Rupp offered **SS** for **SCS** for **HCS** for **HB 577**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 577

An Act to repeal sections 143.441, 147.010, 148.370, 303.024, 374.456, 374.755, 375.020, 375.1025, 375.1028, 375.1030, 375.1032, 375.1035, 375.1037, 375.1040, 375.1042, 375.1045, 375.1047, 375.1050, 375.1052, 375.1057, 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, 379.1412, 382.400, 382.402, 382.405, 382.407, 382.409, 384.025, 384.031, 384.043, 384.051, 384.057, and 384.062, RSMo, and to enact in lieu thereof forty-six new sections relating to the regulation of insurance, with penalty provisions.

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HB 577** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 79, Section 376.502, Line 13 of said page, by inserting immediately after said line the following:

**“376.789. 1. (1) This section applies to an individual or a group specified disease insurance policy issued to any person that contains the terms “actual charge” or “actual fee” without containing an express definition of the term.**

**(2) “Actual charge” or “actual fee” when used in an individual specified disease insurance policy in connection with the benefits payable for services rendered by a health care provider or other designated person or entity, means the amount the health care provider or other designated person or entity:**

**(a) Agrees to accept under a network or other participation agreement with the health insurer, third-party administrator, or other third-party payor, or other person, including the insured, as payment in full for the treatment, goods, or services provided to the insured; or**

**(b) Agrees, or as obligated by operation of law, to accept as payment in full for the treatment, goods, or services provided to the insured under a provider, participation, or supplier agreement under Medicare, Medicaid, or any other government administered health care program where the insured is covered or reimbursed by this program.**

**(3) “Payment in full” includes the actual charge or actual fee that was actually paid for the health**



care provider's treatment, goods, or services on behalf of the insured by Medicare, Medicaid, any other government administered health care program, any other health insurer, third-party administrator, or other third-party payor and, where applicable, any remaining portion of the actual charge or actual fee that was applied or assessed against the insured by Medicare, Medicaid, any other government administered health care program, any other health insurer, third-party administrator, or other third-party payor for the applicable deductions, co-insurance requirements, or co-pay requirements.

(4) If paragraphs (a) and (b) of subdivision (2) of this subsection apply, the actual charge or actual fee shall be the lesser of the amounts determined under such paragraphs.

2. Notwithstanding any other provision of law, after August 28, 2009, an insurer or issuer of an individual or group specified disease insurance policy shall not pay a claim of benefit under the applicable policy in an amount in excess of the actual charge or actual fee as defined in this section.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Lembke offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 78, Section 376.1057, Line 22, by inserting after all of said line the following:

“376.383. 1. For purposes of this section and section 376.384, the following terms shall mean:

(1) “Claimant”, any individual, corporation, association, partnership or other legal entity asserting a right to payment arising out of a contract or a contingency or loss covered under a health benefit plan as defined in section 376.1350;

(2) “Clean claim”, a claim that has no defect, impropriety, lack of any required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment;

(3) “Deny” or “denial”, when the health carrier refuses to reimburse all or part of the claim;

[(3)] (4) “Health carrier”, health carrier as defined in section 376.1350[,] and any self-insured health plan, to the extent allowed by federal law; except that health carrier shall not include a workers’ compensation carrier providing benefits to an employee pursuant to chapter 287, RSMo. For the purposes of this section and section 376.384, third-party contractors are health carriers;

[(4)] (5) “Health care provider”, health care provider as defined in section 376.1350;

[(5)] (6) “Health care services”, health care services as defined in section 376.1350;

[(6)] (7) “Processing days”, number of days the health carrier or any of its agents, subsidiaries, contractors, subcontractors, or third-party contractors has the claim in its possession. Processing days shall not include days in which the health carrier is waiting for a response to a request for additional information from the claimant;

[(7)] (8) “Request for additional information”, [when the health carrier requests information from the claimant to determine if all or part of the claim will be reimbursed] a health carrier’s electronic requests

**for additional information from the claimant specifying all of the documentation or information necessary to process all or part of the claim, or all or part of the claims on a multi-claim form ,as clean claim for payment;**

[(8) “Suspends the claim”, giving notice to the claimant specifying the reason the claim is not yet paid, including but not limited to grounds as listed in the contract between the claimant and the health carrier; and]

(9) “Third-party contractor”, a third party contracted with the health carrier to receive or process claims for reimbursement of health care services.

**2. Within one working day after receipt of an electronically filed claim by a health carrier or a third-party contractor, a health carrier shall send an electronic acknowledgment of the date of receipt.**

**3. Within [ten working] fifteen days after receipt of a filed claim by a health carrier or a third-party contractor, a health carrier shall[:**

(1) Send an acknowledgment of the date of receipt; or

(2)] send **an electronic** notice of the status of the claim that [includes] **notifies the claimant:**

**(1) Whether the claim is a clean claim as defined under this section; or**

**(2) The claim requires additional information from the claimant.**

**If the claim is a clean claim, then the health carrier shall pay or deny the claim. If the claim requires additional information, the health carrier shall include in the notice a request for additional information. If a health carrier pays the claim, [subdivisions (1) and (2)] this subsection shall not apply.**

[3.] **4. Within fifteen days after receipt of additional information by a health carrier or a third-party contractor, a health carrier shall pay the claim or any undisputed part of the claim in accordance with this section or send [a] an electronic notice of receipt and status of the claim:**

(1) That denies all or part of the claim and specifies each reason for denial; or

(2) That makes a final request for additional information.

[4.] **5. Within fifteen days after the day on which the health carrier or a third-party contractor receives the additional requested information in response to a final request for information, it shall pay the claim or any undisputed part of the claim or deny [or suspend] the claim.**

[5.] **6. If the health carrier has not paid the claimant on or before the forty-fifth processing day from the date of receipt of the claim, the health carrier shall pay the claimant one percent interest per month and a penalty in an amount equal to one-fifth of the claim per day. The interest and penalty shall be calculated based upon the unpaid balance of the claim as of the forty-fifth processing day. The interest and penalty paid pursuant to this subsection shall be included in any late reimbursement without the necessity for the person that filed the original claim to make an additional claim for that interest and penalty. A health carrier may combine interest payments and make payment once the aggregate amount reaches [five] one hundred dollars. Any claim which has been properly denied before the forty-fifth processing day under this section and section 376.384 shall not be subject to interest or penalties. Such interest and penalties shall cease to accrue on the day after a petition is filed in a court of competent jurisdiction to recover payment of such claim. Upon a finding by a court of competent jurisdiction that the health**

**carrier failed to pay a claim, interest, or penalty without good cause, the court shall enter judgment for reasonable attorney fees for services necessary for recovery. Upon a finding that a health care provider filed suit without reasonable grounds to recover a claim, the court shall award the health carrier reasonable attorney fees necessary to the defense.**

[6. If a health carrier fails to pay, deny or suspend the claim within forty processing days, and has received, on or after the fortieth day, notice from the health care provider that such claim has not been paid, denied or suspended, the health carrier shall, in addition to monthly interest due, pay to the claimant per day an amount of fifty percent of the claim but not to exceed twenty dollars for failure to pay all or part of a claim or interest due thereon or deny or suspend as required by this section. Such penalty shall not accrue for more than thirty days unless the claimant provides a second written or electronic notice on or after the thirty days to the health carrier that the claim remains unpaid and that penalties are claimed to be due pursuant to this section. Penalties shall cease if the health carrier pays, denies or suspends the claim. Said penalty shall also cease to accrue on the day after a petition is filed in a court of competent jurisdiction to recover payment of said claim. Upon a finding by a court of competent jurisdiction that the health carrier failed to pay a claim, interest or penalty without reasonable cause, the court shall enter judgment for reasonable attorney fees for services necessary for recovery. Upon a finding that a provider filed suit without reasonable grounds to recover a claim, the court shall award the health carrier reasonable attorney fees necessary to the defense.]

7. The department of insurance, financial institutions and professional registration shall monitor [suspensions] **denials** and determine whether the health carrier acted reasonably.

8. If a health carrier or third-party contractor has reasonable grounds to believe that a fraudulent claim is being made, the health carrier or third-party contractor shall notify the department of insurance, financial institutions and professional registration of the fraudulent claim pursuant to sections 375.991 to 375.994, RSMo.

9. Denial of a claim shall be communicated to the claimant and shall include the specific reason why the claim was denied. **Any claim for which the health carrier has not communicated a specific reason for the denial shall not be considered denied under this section or section 376.384.**

10. Requests for additional information shall specify [what] **all of the documentation and additional information that is necessary to process all of the claim, or all of the claims on a multi-claim form, as a clean claim** for payment. Information requested shall be reasonable and pertain **solely** to the health carrier's determination of liability. The health carrier shall acknowledge receipt of the requested additional information to the claimant within five working days or pay the claim.""; and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted.

Senator Rupp raised the point of order that **SA 2** is out of order as it goes beyond the subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

**SA 2** was again taken up.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

Senator Goodman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 79, Section 376.502, Line 13, by inserting after all of said line the following:

**“376.1745. 1. The provisions of this chapter relating to health insurance, health maintenance organizations, health benefit plans, group health services, and health carriers shall not apply to a plan that provides health care services to low income individuals on a prepaid basis and that meets the following conditions:**

**(1) Eligibility in the plan is limited to persons who earn less than two hundred percent of the federal poverty level and are not covered under any other group insurance arrangement;**

**(2) The plan is operated on a nonprofit basis under the sponsorship of a nonprofit organization that is qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended;**

**(3) Covered primary care services are provided to enrollees either by providers on staff of the sponsoring organization or by volunteers recruited from a local medical society who have, in both instances, agreed to provide their services for free or for nominal reimbursement for out-of-pocket expenses or expendable supplies directly related to, and incurred as a result of, the service provided to the enrollee;**

**(4) Payments to outside contractors for marketing, claims administration and similar services total no more than ten percent of the total charges;**

**(5) The plan has received the approval and endorsement of the local medical society in consultation with the Missouri State Medical Association; and**

**(6) The sponsoring nonprofit organization files an annual report with the secretary of state within ninety days of the close of the organization’s fiscal year that includes, at a minimum, the following information:**

**(a) The number of plan enrollees;**

**(b) Total services rendered under the plan;**

**(c) Plan financial statements;**

**(d) Administrative costs and salaries paid by the plan; and**

**(e) Other information that may be reasonably requested by the secretary of state.**

**2. A plan that meets the requirements of this section shall not be considered to be engaging in the business of insurance for purposes of this chapter or any provision of Title XXIV, RSMo, and shall not be subject to the jurisdiction of the director of the department of insurance, financial institutions and professional registration.”; and**

Further amend said bill, page 117, section 384.062, line 24 by inserting after all of said line the following:

**“538.315. 1. Any volunteer physician, dentist, optometrist, pharmacist, registered professional nurse or licensed practical nurse licensed to practice in this state under the provisions of chapter 332, 334, 335, 336, or 338, RSMo, or any volunteer retired physician, dentist, optometrist, pharmacist,**

registered professional nurse or licensed practical nurse who provides medical treatment to a patient at a nonprofit faith-based community health center that provides health care services for a nominal fee and is qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall not be liable for any civil damages for acts or omissions unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by such health care provider under this section in rendering such treatment.

2. For purposes of this section, a “volunteer” is an individual rendering medical treatment who is not compensated for his or her services on a salary or prorated equivalent basis.

3. In order for a retired physician, dentist, optometrist, pharmacist, registered professional nurse or licensed practical nurse to receive the immunity from liability under this section, such health care provider shall have been in good standing with their respective governing professional board at the time of his or her retirement.”; and

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Lembke offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 78, Section 375.1057, Line 22 of said page, by inserting after all of said line the following:

“376.391. A health benefit plan or health carrier, as defined in section 376.1350, including but not limited to preferred provider organizations, independent physicians associations, third-party administrators, or any entity that contracts with licensed health care providers shall not impose any co-payment that exceeds fifty percent of the total cost of providing any single health care service to its enrollees.”; and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

Senator Goodman offered SA 5:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 79, Section 376.502, Line 13 of said page, by inserting immediately after said line the following:

“376.1232. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2010, shall offer coverage for prosthetic devices and services, including original and replacement devices, as prescribed by a physician acting within the scope of his or her practice.

2. For the purposes of this section, “health carrier” and “health benefit plan” shall have the same meaning as defined in section 376.1350.

3. The amount of the benefit for prosthetic devices and services under this section shall be no less

than the annual and lifetime benefit maximums applicable to the basic health care services required to be provided under the health benefit plan. If the health benefit plan does not include any annual or lifetime maximums applicable to basic health care services, the amount of the benefit for prosthetic devices and services shall not be subject to an annual or lifetime maximum benefit level. Any copayment, coinsurance, deductible, and maximum out-of-pocket amount applied to the benefit for prosthetic devices and services shall be no more than the most common amounts applied to the basic health care services required to be provided under the health benefit plan.

**4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.”; and**

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Scott offered **SA 6:**

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 79, Section 376.502, Line 13, by inserting immediately thereafter the following:

“376.1450. An enrollee, as defined in section 376.1350, may [waive his or her right to] receive documents and materials from a managed care entity in printed **or electronic** form so long as such documents and materials are readily accessible [electronically through the entity's Internet site. An enrollee may revoke such waiver at any time by notifying the managed care entity by phone or in writing or annually. Any enrollee who does not execute such a waiver and prospective enrollees shall have documents and materials from the managed care entity provided] in printed form **upon request**. For purposes of this section, “managed care entity” includes, but is not limited to, a health maintenance organization, preferred provider organization, point of service organization and any other managed health care delivery entity of any type or description.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 7:**

**SENATE AMENDMENT NO. 7**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 8, Section 148.370, Line 3, by inserting immediately thereafter the following:

**“208.192. 1. By August 28, 2010, the director of the MO HealthNet division shall implement a program under which the director shall make available through its Internet web site nonaggregated information on individuals collected under the federal Medicaid Statistical Information System described in the Social Security Act, Section 1903(r)(1)(F), insofar as such information has been de-identified in accordance with regulations promulgated under the Health Insurance Portability and**

**Accountability Act of 1996, as amended. In implementing such program, the director shall ensure that:**

**(1) The information made so available is in a format that is easily accessible, useable, and understandable to the public, including individuals interested in improving the quality of care provided to individuals eligible for programs and services under the MO HealthNet program, researchers, health care providers, and individuals interested in reducing the prevalence of waste and fraud under the program;**

**(2) The information made so available is as current as deemed practical by the director and shall be updated at least once per calendar quarter;**

**(3) To the extent feasible, all health care providers, as such term is defined in subdivision (20) of section 376.1350, RSMo, included in such information are identifiable by name to individuals who access the information through such program; and**

**(4) The director periodically solicits comments from a sampling of individuals who access the information through such program on how to best improve the utility of the program.**

**2. For purposes of implementing the program under this section and ensuring the information made available through such program is periodically updated, the director may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the director determines appropriate.**

**3. By August 28, 2011, and annually thereafter, the director shall submit to the general assembly and the MO HealthNet oversight committee, a report on the progress of the program under subsection 1 of this section, including the extent to which information made available through the program is accessed and the extent to which comments received under subdivision (4) of subsection 1 of this section were used during the year involved to improve the utility of the program.**

**4. By August 28, 2011, the director shall submit to the general assembly and the MO HealthNet oversight committee a report on the feasibility, potential costs, and potential benefits of making publicly available through an Internet-based program de-identified payment and patient encounter information for items and services furnished under Title XXI of the Social Security Act which would not otherwise be included in the information collected under the federal Medicaid Statistical Information System described in Section 1903(r)(1)(F) of such act and made available under Section 1942 of such act, as added by Section 5008.**

**5. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 8, Section 148.370, Line 3, by inserting after all of said line the following:

**“191.1005. 1. For purposes of this section, the following terms shall mean:**

**(1) “Estimate of cost”, an estimate based on specific patient information or general assumptions about typical utilization and costs for medical services. Upon written request by a patient, a provider shall be required to provide the patient a timely estimate of cost for any elective or nonemergent health care service. Such requirement shall not apply to emergency health care services. Any estimate of cost may include a disclaimer noting the actual amount billed may be different from the estimate of cost;**

**(2) “Health care provider” or “provider”, as defined in section 376.1350, RSMo;**

**(3) “Insurer”, the same meaning as the term “health carrier” is defined in section 376.1350, RSMo, and includes the state of Missouri for purposes of the rendering of health care services by providers under a medical assistance program of the state.**

**2. Programs of insurers that publicly assess and compare the quality and cost efficiency of health care providers shall conform to the following criteria:**

**(1) The insurers shall retain, at their own expense, the services of a nationally-recognized independent health care quality standard-setting organization to review the plan’s programs for consumers that measure, report, and tier providers based on their performance. Such review shall include a comparison to national standards and a report detailing the measures and methodologies used by the health plan. The scope of the review shall encompass all elements described in this section and section 191.1008;**

**(2) The program measures shall provide performance information that reflects consumers’ health needs. Programs shall clearly describe the extent to which they encompass particular areas of care, including primary care and other areas of specialty care;**

**(3) Performance reporting for consumers shall include both quality and cost efficiency information. While quality information may be reported in the absence of cost-efficiency, cost-efficiency information shall not be reported without accompanying quality information;**

**(4) When any individual measures or groups of measures are combined, the individual scores, proportionate weighting, and any other formula used to develop composite scores shall be disclosed. Such disclosure shall be done both when quality measures are combined and when quality and cost efficiency are combined;**

**(5) Consumers or consumer organizations shall be solicited to provide input on the program, including methods used to determine performance strata;**

**(6) A clearly defined process for receiving and resolving consumer complaints shall be a component of any program;**

**(7) Performance information presented to consumers shall include context, discussion of data**



limitations, and guidance on how to consider other factors in choosing a provider;

(8) Relevant providers and provider organizations shall be solicited to provide input on the program, including the methods used to determine performance strata;

(9) Providers shall be given reasonable prior notice before their individual performance information is publicly released;

(10) A clearly defined process for providers to request review of their own performance results and the opportunity to present information that supports what they believe to be inaccurate results, within a reasonable time frame, shall be a component of any program. Results determined to be inaccurate after the reconsideration process shall be corrected;

(11) Information about the comparative performance of providers shall be accessible and understandable to consumers and providers;

(12) Information about factors that might limit the usefulness of results shall be publicly disclosed;

(13) Measures used to assess provider performance and the methodology used to calculate scores or determine rankings shall be published and made readily available to the public. Some elements shall be assessed against national standards. Examples of measurement elements that shall be assessed against national standards include: risk and severity adjustment, minimum observations, and statistical standards utilized. Examples of other measurement elements that shall be fully disclosed include: data used, how providers' patients are identified, measure specifications and methodologies, known limitations of the data, and how episodes are defined;

(14) The rationale and methodologies supporting the unit of analysis reported shall be clearly articulated, including a group practice model versus the individual provider;

(15) Sponsors of provider measurement and reporting shall work collaboratively to aggregate data whenever feasible to enhance its consistency, accuracy, and use. Sponsors of provider measurement and reporting shall also work collaboratively to align and harmonize measures used to promote consistency and reduce the burden of collection. The nature and scope of such efforts shall be publicly reported;

(16) The program shall be regularly evaluated to assess its effectiveness and any unintended consequences;

(17) All quality measures shall be endorsed by the National Quality Forum (NQF), or its successor organization. Where NQF-endorsed measures do not exist, the next level of measures to be considered, until such measures are endorsed by the National Quality Forum (NQF), or its successor organization, shall be those endorsed by the Ambulatory Care Quality Alliance, the National Committee for Quality Assurance, or the Joint Commission on the Accreditation of Healthcare Organizations, Healthcare Effectiveness and Data Information Set (HEDIS);

(18) The public, including consumers and employers, shall be able to obtain information to assist them in comparing the cost and quality of health care services and health care providers. Health carriers shall have the ability to use data for such purpose which is collected from medical claims, health care providers, or other sources, including the federal Centers for Medicare and Medicaid Services (CMS) and other entities for such purpose. Health carriers may use claims and contracted rate data to report on cost, quality, and efficiency consistent with the patient charter or other

nationally recognized standards, such as those issued by the National Committee for Quality Assurance. No health carrier or any other entity shall use such information in a manner that violates any state or federal law, including antitrust law.

**191.1008. 1.** Any person who sells or otherwise distributes to the public health care quality and cost efficiency data for disclosure in comparative format to the public shall identify the measure source or evidence-based science behind the measure and the national consensus, multi-stakeholder, or other peer review process, if any, used to confirm the validity of the data and its analysis as an objective indicator of health care quality.

**2.** Articles or research studies on the topic of health care quality or cost efficiency that are published in peer-reviewed academic journals that do not receive funding from or is affiliated with a health care insurer or by state or local government shall be exempt from the requirements of subsection 1 of this section.

**3. (1)** Upon receipt of a complaint of an alleged violation of this section by a person or entity other than a health carrier, the department of health and senior services shall investigate the complaint and, upon finding that a violation has occurred, shall be authorized to impose a penalty in an amount not to exceed one thousand dollars. The department shall promulgate rules governing its processes for conducting such investigations and levying fines authorized by law.

**(2)** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HB 577**, as amended, be adopted, which motion prevailed.

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HB 577**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Shields referred **SS** for **SCS** for **HCS** for **HB 577**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

**HB 258**, with **SCS**, introduced by Representative Jones (89), entitled:

An Act to repeal sections 290.502 and 290.512, RSMo, and to enact in lieu thereof three new sections relating to minimum wage law.

Was taken up by Senator Rupp.

**SCS** for **HB 258**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 258

An Act to repeal sections 290.262, 290.502 and 290.512, RSMo, and to enact in lieu thereof four new

sections relating to wages.

Was taken up.

Senator Rupp moved that **SCS** for **HB 258** be adopted.

Senator Dempsey assumed the Chair.

Senator Green offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 258, Pages 1-3, Section 290.262, by striking said section;

And further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

At the request of Senator Rupp, **HB 258**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

#### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 544**, as amended, and has taken up and passed **SCS** for **HB 544**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 177** and **HCS** for **HB 622** and has taken up and passed **SCS** for **HCS** for **HB 177** and **HCS** for **HB 622**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 239**, as amended, and has taken up and passed **SCS** for **HB 239**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 842**, as amended, and has taken up and passed **SCS** for **HB 842**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 740** and has taken up and passed **SS** for **HCS** for **HB 740**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HB 132** and has taken up and passed **SS** for **HB 132**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **HCS** for **HB 154**, as amended. Representatives: Ruestman, Emery, Nance, Meiners and Yaeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 464**, as amended. Representatives: Yates, Molendorp, Hobbs, Liese and Colona.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 47**: Senators Scott, Mayer, Stouffer, McKenna and Barnitz.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 171**, as amended: Senators Griesheimer, Dempsey, Schmitt, Callahan and Shoemyer.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 296**, as amended: Senators Scott, Pearce, Cunningham, Days and Smith.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HB 154**, as amended: Senators Shields, Stouffer, Griesheimer, Wilson and Wright-Jones.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Nodler, Chairman of the Committee on Appropriations, Senator Engler submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 21**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **INTRODUCTIONS OF GUESTS**

Senator Justus introduced to the Senate, the Physician of the Day, Dr. Ann Romaker, Kansas City.

Senator Goodman introduced to the Senate, Bryant Carnagey, Zakary Terp, Ashley Trotter, Josh Tebow, Forrest Meyers, Skylar Thompson, Maddie McCann, Madeline Roberts, Heizer Porter, James Hornback and Trevor Van Matre, fourth grade gifted students from Mt. Vernon Intermediate School.

Senator Bray introduced to the Senate, Diego Fernandez, Clint Christensen and thirty-eight fourth grade students from Flynn Park Elementary School, University City.

Senator Shields introduced to the Senate, former State Representative Fred Pouche, Platte County.

Senator Cunningham introduced to the Senate, Melissa Biehl, parents and students from Bellerive Elementary School, St. Louis.

Senator Pearce introduced to the Senate, Mary and Norma McConville, Doris Chester, Ellie Page and Lisa Cantrell, officers of the Holden VFW Post 5844 Ladies Auxiliary.

Senator Bray introduced to the Senate, former House Speaker Catherine Hanaway, teachers and fifth grade students from Community School, St. Louis.

Senator Ridgeway introduced to the Senate, Superintendent Jay Jackson, Linda Rogge and students, David Burres, Tabitha Swatosh and Linnea Nierman from Missouri City School.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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SIXTY-SIXTH DAY—WEDNESDAY, MAY 6, 2009

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## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)

### HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HB 65-Wilson (119), et al (Pearce)<br>(In Fiscal Oversight) | 6. HCS for HB 152 (Bartle)<br>(In Fiscal Oversight)                    |
| 2. HCS for HBs 320, 39 & 662 (Mayer)<br>(In Fiscal Oversight)  | 7. HCS for HB 62, with SCS (Bartle)<br>(In Fiscal Oversight)           |
| 3. HB 86-Sutherland (Lager)<br>(In Fiscal Oversight)           | 8. HB 734-Ruzicka and Hobbs, with SCS<br>(Lager) (In Fiscal Oversight) |
| 4. HCS for HB 580, with SCS (Dempsey)<br>(In Fiscal Oversight) | 9. HB 30-Brandom, et al, with SCS<br>(Goodman) (In Fiscal Oversight)   |
| 5. HCS for HBs 46 & 434 (Mayer)<br>(In Fiscal Oversight)       | 10. HCS for HB 21, with SCS (Nodler)                                   |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce and Smith, with SCS &  
SS#3 for SCS (pending)  
SB 57-Stouffer, with SCS & SA 1 (pending)  
SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for SCS  
(pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)  
SB 228-Scott, with SCS, SS for SCS, SA 12,  
SSA 1 for SA 12 & SA 1 to SSA 1 for SA 12  
(pending)

SB 236-Lembke  
SB 254-Barnitz, with SS (pending)  
SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS & SS#3 for SCS (pending)  
SB 264-Mayer  
SB 267-Mayer and Green, with SA 1 (pending)  
SB 284-Lembke, et al, with SA 1 (pending)  
SB 299-Griesheimer, with SCS & SS for SCS  
(pending)  
SB 321-Days, et al, with SCS (pending)  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)  
SB 527-Nodler and Bray  
SB 555-Lager, with SCS, SS for SCS & SA 2  
(pending)  
SB 569-Lembke, with SCS  
SB 572-Dempsey and Justus  
SJR 12-Scott, with SCS (pending)

HOUSE BILLS ON THIRD READING

HCS for HBs 128 & 340, with SA 1  
(pending) (Scott)  
HCS for HB 191, with SCS & SS for SCS  
(pending) (Griesheimer)  
HB 229-Ervin, with SCS, SS for SCS,  
SA 8, SSA 1 for SA 8 & SA 1 to SSA 1  
for SA 8 (pending) (Dempsey)  
HB 258-Jones (89), et al, with SCS & SA 1  
(pending) (Rupp)  
HB 287-Day, et al, with SS (pending) (Mayer)  
HCS for HB 481 (Lembke)  
HB 488-Schad, et al, with SCS (pending)  
(Pearce)

HCS for HB 495, with SCS, SS for SCS,  
SA 1, SSA 2 for SA 1 & SA 1 to SSA 2  
for SA 1 (pending) (Griesheimer)  
SS for SCS for HCS for HB 577 (Rupp)  
(In Fiscal Oversight)  
HCS for HBs 658 & 706 (Clemens)  
HB 659-Dusenberg, et al, with SCS & SA 1  
(pending) (Bartle)  
SCS for HB 745-Loehner, et al (Clemens)  
(In Fiscal Oversight)  
HCS for HJR 10, with SS (pending) (Lembke)  
HCS for HJR 32, with SCA 1 &  
SA 1 to SCA 1 (pending) (Schaefer)

# CONSENT CALENDAR

## House Bills

### Reported 4/9

HCS for HB 251 (Clemens)  
 HB 210-Deeken (Crowell)  
 HB 400-Nasheed, et al (Pearce)

HB 593-Viebrock (Crowell)  
 HB 678-Wasson (Goodman)  
 HB 537-Dixon, et al (Wright-Jones)

### Reported 4/14

HB 83-Wood, with SCS (Goodman)  
 HCS for HB 124 (McKenna)  
 HB 282-Stevenson, et al (Nodler)  
 HB 652-Pratt (Bartle)

HB 698-Zimmerman, et al (Schmitt)  
 HCS for HB 895 (Stouffer)  
 HB 918-Kelly (Schaefer)  
 HB 919-Ruestman, et al (Goodman)

### Reported 4/15

HCS for HB 525 (Schmitt)  
 HCS for HB 231 (Rupp)  
 HB 826-Brown (149), et al (Lembke)  
 HCS for HB 685 (Goodman)  
 HB 811-Wasson (Scott)  
 HCS for HB 273 (Scott)  
 HCS for HB 485 (Mayer)

HB 859-Dieckhaus, et al (Griesheimer)  
 HB 283-Wood, with SCS (Goodman)  
 HCS for HBs 234 & 493 (Shoemyer)  
 HB 289-Wallace (Mayer)  
 HB 373-Wallace, with SCS (Mayer)  
 HB 490-Schad, et al (Pearce)  
 HB 682-Swinger, et al (Mayer)

## SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 71-Stouffer, with HCS,  
 as amended  
 SB 147-Dempsey, with HCS  
 SB 154-Goodman, with HCS  
 SB 215-Shields, with HCS, as amended

SCS for SB 338-Rupp, with HCS  
 SB 435-Lembke, with HCS  
 SB 526-Clemens, with HA 1, HA 2, HA 3  
 & HA 4  
 SCS for SB 563-Smith, with HCS

## BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

### In Conference

SCS for SB 47-Scott, with HCS

SB 171-Griesheimer, with HCS, as amended

SCS for SB 242-Pearce, with HCS,  
as amended  
SB 296-Scott, with HCS, as amended  
SS for SB 307-Dempsey, with HCS,  
as amended  
(Senate adopted CCR and passed CCS)  
SB 464-Stouffer, with HCS, as amended  
SB 513-Dempsey, with HA 1, as amended  
HCS for HB 2, with SS for SCS (Nodler)  
HCS for HB 3, with SS for SCS (Nodler)  
HCS for HB 4, with SCS (Nodler)  
HCS for HB 5, with SCS (Nodler)  
HCS for HB 6, with SCS (Nodler)  
HCS for HB 7, with SCS (Nodler)  
HCS for HB 8, with SCS (Nodler)  
HCS for HB 9, with SCS (Nodler)  
HCS for HB 10, with SCS (Nodler)  
HCS for HB 11, with SCS (Nodler)

HCS for HB 12, with SCS (Nodler)  
HB 13-Icet, with SCS (Nodler)  
HB 91-Pollock, with SCS (Purgason)  
HCS for HB 148, with SCS#2 (Griesheimer)  
HCS for HB 154, with SS, as amended  
(Shields)  
HCS for HB 265, with SCS (Crowell)  
HB 269-Parson, et al, with SCS, as amended  
(Scott)  
HB 395-Nance, et al, with SS for SCS,  
as amended (Stouffer)  
HCS for HB 397 & HCS for HB 947,  
with SCS (Ridgeway)  
HCS for HB 427, with SCS, as amended  
(Pearce)  
HB 683-Schieffer, et al, with SS for SCS,  
as amended (Stouffer)

#### Requests to Recede or Grant Conference

HCS for HB 246, with SA 1 (Purgason)  
(House requests Senate  
recede or grant conference)

#### RESOLUTIONS

##### Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS &  
SS for SCS (pending)  
SCR 11-Bartle, et al  
SCR 14-Schmitt

SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt  
HCS for HCR 16 (Cunningham)

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# Journal of the Senate

## FIRST REGULAR SESSION

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**SIXTY-SIXTH DAY—WEDNESDAY, MAY 6, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious Father, we gather this day in need of prayer; for the pressures increase and we are in need of patience as we deal with various bills and each other. Be present with each of us so we might do all we do here as if doing unto You. And may our words and actions reflect our values and faith and convey our love for You and each other. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Shoemyer offered Senate Resolution No. 1083, regarding the Twenty-fifth Anniversary of the creation of Mark Twain Lake and the Clarence Cannon Dam, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1084, regarding Meagan L. Fluker, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1085, regarding Mark J. Fowler, which was adopted.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 1**, entitled:

An Act to repeal sections 333.011, 333.101, 333.121, 333.221, 333.241, 333.251, 436.005, 436.007, 436.011, 436.015, 436.021, 436.027, 436.031, 436.035, 436.038, 436.041, 436.045, 436.048, 436.051, 436.053, 436.055, 436.061, 436.063, 436.065, 436.067, 436.069, and 436.071, RSMo, and to enact in lieu thereof thirty-eight new sections relating to preneed funeral contracts, with penalty provisions.

With House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended and House Amendment No. 7.

**HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 15, Section 436.430, Lines 2 through 17, by striking all of said lines and inserting in lieu thereof the following:

**“2. A seller must deposit all payments received on a preneed contract into the designated preneed trust within sixty days of receipt of the funds by the seller, the preneed sales agent or designee. A seller may not require the consumer to pay any fees or other charges except as authorized by the provisions of chapter 333, RSMo, and this chapter or other state or federal law.**

**3. A seller may request the trustee to distribute to the seller an amount up to the first five percent of the total amount of any preneed contract as an origination fee. The seller may make this request at any time after five percent of the total amount of the preneed contract has been deposited into the trust. The trustee shall make this distribution to the seller within 15 days of the receipt of the request.**

**4. In addition to the origination fee, the trustee may distribute to the seller, an amount up to ten percent of the face value of the contract on a preneed contract at any time after the consumer payment has been deposited into the trust. The seller may make written request for this distribution and the trustee shall make this distribution to the seller within fifteen days of the receipt of the request or as may be provided in any written agreement between the seller and the trustee.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 2**

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 2, Section 333.011, Lines 12 through 14, by striking all of said lines and inserting in lieu thereof the following:

**“property incidental to the final disposition of a dead human body, including grave markers, monuments, tombstones, and urns;”; and**

Further amend said page and section, Line 34, by striking the following “436.010” and inserting in lieu thereof **“436.400”**; and

Further amend said page and section, Line 35, by inserting immediately after said line the following:

“333.091. Each establishment, funeral director or embalmer receiving a license under this chapter shall have [the] recorded in the office of the local registrar of vital statistics of the registration district in which the licensee practices. [The licenses or duplicates shall be displayed in the office(s) or place(s) of business.] **All licenses or registrations, or duplicates thereof, issued pursuant to this chapter shall be displayed at each place of business.**”; and

Further amend said substitute, page 3, section 333.221, line 6, by deleting the number “10” and inserting the number “**11**”; and

Further amend page 3, section 333.315, line 7, by striking the following “a licensing” and inserting in lieu thereof the following “**an application**”; and

Further amend said section, page 4, line 20, by striking the following “of good moral character and”; and

Further amend said section and page, line 38, by striking the following “the board by rule” and inserting in lieu thereof the following “**by any other applicable statute or regulation enacted pursuant to state or federal law.**”; and

Further amend said page, section 333.320, line 7, by striking the following “a licensing” and inserting in lieu thereof the following “**an application**”; and

Further amend said section, page 5, line 13, by striking the following “of good moral character and”; and

Further amend page 6, section 333.325, Line 7, by striking the following “a registration” and inserting in lieu thereof the following “**an application**”; and

Further amend page 8, section 333.330, line 52, by inserting immediately after said line the following:

“(17) **Willfully and through undue influence selling a funeral;**”; and

Further amend page 9, section 333.330, line 95, by striking “333.061” and inserting in lieu thereof the following “**333.335**”; and

Further amend said page, section 333.335, line 2, by striking “general” and inserting in lieu thereof “**competent**”; and

Further amend said page and section, line 15, by striking the word “either”; and

Further amend said section, page 10, line 19, by striking the word “penalty” and inserting in lieu thereof the word “**authority**”; and

Further amend page 11, section 436.405, line 8, by striking the word “price” and inserting in lieu thereof the word “**amount**”; and

Further amend said page, line 11, by inserting immediately before the word “annuity” the following “**single premium**”; and

Further amend said page and section, line 28, by striking the word “price” and inserting in lieu thereof the word “**amount**”; and

Further amend said substitute, page 13, section 436.420, lines 17 through 22, by striking said lines; and

Further amend page 13, section 436.425, line 1, by striking all of said line inserting in lieu thereof the

following: **“436.425. 1. All preened contracts shall be sequentially numbered and in writing and in a font type and size that are easily read,”**; and

Further amend page 14, section 436.425, line 30, by striking the following “in a recognizable font”; and

Further amend said page and section, lines 33 through 45, by striking all of said lines and inserting in lieu thereof the following:

**(15) Include a disclosure on all guaranteed installment payment contracts informing the purchaser what will take place in the event the beneficiary dies before all installments have been paid, including an explanation of what will be owed by the purchaser for the funeral services in such an event.;** and

Further amend said page and section, line 59, by inserting immediately after the word “waiver” the following **“may be executed at any time and”**; and

Further amend page 15, section 436.430, lines 18 through 20, by striking all of said lines; and

Further amend said substitute, page 16, section 436.430, lines 33 & 34, by striking the following on said lines “issued by any other person”; and

Further amend said page and section, lines 47 & 48, by striking all of said lines and inserting in lieu thereof the following: **“income generated from the investment of the trust assets. Principal of the trust shall not be used to pay the costs of administration. If the income of the trust is insufficient to pay the costs of administration, those costs shall be paid as per the written agreements between the seller, provider and the trustee.”**; and

Further amend said page and section, line 53, by striking the following “7” and inserting the following **“10”**; and

Further amend said section, page 17, line 67, by striking the following “436.005 to 436.071” and inserting in lieu thereof the following **“436.400 to 436.520”**; and

Further amend said page and section, line 78, by striking the following on said line “and the principal and interest to be paid over the life of the trust”; and

Further amend page 18, section 436.534, line 28, by striking all of said line and inserting in lieu thereof the following :

**“6. No seller, provider, or preneed agent shall procure or accept a loan against”**; and

Further amend page 18, section 436.445, lines 2 & 3, by striking all of said lines and inserting in lieu thereof the following: **“28, 2009, shall not after August 28, 2009, make any decisions to invest any trust fund with:”**; and

Further amend page 19, section 436.445, line 9, by striking the word “significant” and inserting in lieu thereof the word **“controlling”**; and

Further amend said substitute, page 19, section 436.450, lines 17, 18, & 19, by striking all of said lines; and

Further amend said page and section, line 23, by inserting immediately before the word “annuity” the following **“single premium”**; and

Further amend said page and section, line 24, by inserting immediately before the word “annuity” the following **“single premium”**; and

Further amend said substitute, page 20, section 436.455, line 10, by inserting immediately after the word “designation” the following **“or as required to pay reasonable expenses of administering the account”**; and

Further amend said substitute, page 21, section 436.456, line 19, by striking all of said line and inserting in lieu thereof the following; **“have been withdrawn from the account under section 436.430.4 but excluding the income, to the”**; and

Further amend said page, section 436.457, line 10, by deleting the following “not guaranteed” and inserting in lieu thereof the following **“a nonguaranteed”**; and

Further amend page 22, section 436.457, line 12, by striking the word “beneficiary” and inserting the word **“beneficiary’s** and

Further amend said page and section, line 13, by striking the word “eighty” and inserting in lieu thereof the word **“eighty-five”**; and

Further amend said substitute, page 22, section 436.460, lines 3,4, & 5, by striking all of said lines and inserting in lieu thereof the following :

**“(1) The contract number of each preened contract sold since the filing of the last report with an indication of, and whether it is funded by a trust, insurance or joint account;”**; and

Further amend page 23, section 436.430, line 19, by inserting after the word “an” the following **“investigation,”**; and

Further amend said page and section, line 22, by inserting after the word “an” the following **“inspection”**; and

Further amend said section, page 23, line 33, by striking all of said line and inserting in lieu thereof the following **“(3) The current face value of the trust fund;”**; and

Further amend page 24, section 436.460, line 66, by striking all of said line and inserting in lieu thereof the following:

**“(2) The status and total face value of each policy;”**; and

Further amend said page and section, line 69, by striking the number “5” and inserting the number **“3”**; and

Further amend page 28, section 436.490, line 19, by striking all of said line and insert in lieu there of the following:

**“(7) Any other information required by any other applicable statute or regulation enacted pursuant to state or federal law.”**; and

Further amend page 28, section 436.500, line 13, by striking all of said line and inserting in lieu thereof the following:

**“(3) Any other information required by any other applicable statute or regulation enacted pursuant to state or federal law.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 3, Line 11 by inserting immediately after the word “seller” the following **“and original provider”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 4, Section 333.315, Line 27, by inserting immediately after the word “rule” the following **“, however no renewal fee shall be required for any funeral establishment whose Missouri license is current and active”**; and

Further amend said substitute, pages 8 & 9, section 333.330, lines 71 through 86, by striking all of said lines and inserting in lieu thereof the following:

**“4. In addition to all other powers and authority granted by the board, the board may seek an injunction, restraining order or other order from the Circuit Court of Cole County to enjoin any seller from engaging in preneed sales upon a showing by the board that the seller has failed to make deposits into the preneed trust, has obtained funds out of the trust to which the seller is not entitled or has exercised influence or control over the trustee or has engaged in any other act that has resulted in a shortage in any preneed trust or joint account which exceeds twenty percent of the total amount required to be held or deposited into the trust or joint account under the provisions of sections 436.400 to 436.520, RSMo. In addition to the power to enjoin for this conduct, the Circuit Court of Cole County shall also be entitled to suspend or revoke the preneed seller’s license and any other license issued pursuant to chapter 333 RSMo, held by the seller.”**; and

Further amend said substitute, page 12, section 436.412, line 5, by inserting immediately after said line the following:

**“In addition, the provisions of section 436.031, RSMo, as it existed on August 27, 2009, shall continue to govern disbursements to the seller from the trust and payment of trust expenses. Joint accounts in existence as of August 27, 2009, shall continue to be governed by the provisions of section 436.053, as that section existed on August 27, 2009.”**; and

Further amend said page, section 436.415, lines 7 & 8, by striking all said lines and inserting in lieu thereof the following **“preneed contract and ensure that is statutorily and contractual duties are met, in compliance with sections 436.400 to 436.520, RSMo.”**; and

Further amend said substitute, page 13, section 436.425, line 17, by inserting immediately before the word “purchaser” the following **“board provides by rule that the”**; and

Further amend said substitute, page 17, section 436.435, lines 1, 2, & 3, by striking all of said lines and inserting in lieu thereof the following:

**“436.435.1. To the extent that any provisions in this chapter which come into effect on August 28, 2009, apply to trusts governed under this chapter which are in existence on August 28, 2009, such trusts shall be in compliance with this chapter no later than July 1, 2010.”**; and

Further amend said substitute, page 18, section 436.440, line 17, by inserting immediately after said line the following:

**“6. For trusts in existence as of August 28, 2009, it shall be permissible for those trusts to continue to utilize the services of an independent financial advisor, if said advisor was in place pursuant to section 436.031, RSMo, as of August 28, 2009.”; and**

Further amend said substitute, page 21, section 436.456, line 20, by striking the “.” and inserting in lieu thereof the following “;” and

Further amend said page, section, and line by inserting immediately after said line the following:

**“(4) In the case of a guaranteed installment payment contract where the beneficiary dies before all installments have been paid, the purchaser shall pay the seller the amount remaining due under the contract in order to receive the goods and services set out in the contract, otherwise the purchaser or their estate will receive full credit for all payments the purchaser has made towards the cost of the beneficiary’s funeral at the provider current prices.”; and**

Further amend said substitute, page 22, section 436.458, lines 1 through 14, by striking all of said lines and inserting in lieu thereof the following:

**“436.458.1. A purchaser may select an alternative provider as the designated provider under the original contract if the purchaser notifies the seller in writing of the purchaser’s intent, stating the name of the alternative provider and the alternative provider consents to the new designation. Purchasers shall not be penalized or assessed any additional fee or cost for such transfer of the provider designation.**

**2. The seller shall pay the newly designated provider all payments owed to the original provider under the contract. The newly designated provider shall assume all rights, duties, obligations, and liabilities as the original provider under the contract. Interest shall continue to be allocated to the seller as provided under the contract.**

**3. In the case of a trust funded contract and upon written notice to the seller of the purchaser’s intent to select an alternative provider under subsection 1 of this section, the seller shall either continue the trust with the new provider in place of, and to receive all payment owed to, the original provider under the original agreement, or pay to the new trust all of the trust property, including principal and income.”; and**

Further amend said substitute, page 23, section 436.460, lines 37 & 38, by striking all of said lines and inserting in lieu thereof the following:

**“6. Authorization of the board to request from the trustee a copy of any trust statement, as part of an investigation, examination or audit of the preneed seller;”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, page 16, Section 436.430, Line 49, by inserting after the word “funded” the word **“guaranteed”**; and

Further amend said substitute, page 20, section 436.450, line 37, by inserting after the word “the” the word “**nonguaranteed**”; and

Further amend page 20, section 436.455, line 2, by inserting after the word “purchaser” the word “**or beneficiary**”; and

Further amend said page and section, line 7, by inserting after the word “purchaser” the following “, **beneficiary or party holding power of attorney over the beneficiary’s estate**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 2, Line 1, by inserting immediately after the word “districts” on said line the following “**be of good moral character and submit an audited financial statement of their funeral establishment by an independent auditor for the previous five years. This audited financial statement must include all at-need and preneed business.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Section 333.101, Page 3, Line 8, by inserting after all of said line the following:

“333.151. 1. The state board of embalmers and funeral directors shall consist of [six] **ten** members, including one voting public member[,], appointed by the governor with the advice and consent of the senate. Each member, other than the public member, appointed shall possess either a license to practice embalming or a license to practice funeral directing in this state or both said licenses and shall have been actively engaged in the practice of embalming or funeral directing for a period of five years next before his or her appointment. Each member shall be a United States citizen, a resident of this state for a period of at least one year, a qualified voter of this state and shall be of good moral character. Not more than [three] **five** members of the board shall be of the same political party. [The president of the Missouri Funeral Directors Association in office at the time shall each, at least ninety days prior to the expiration of the term of a board member, other than the public member, or as soon as feasible after a vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five persons qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Funeral Directors Association shall each include in his or her letter of transmittal a description of the method by which the names were chosen by that association.] **The non-public members shall be appointed by the Governor, with the advice and consent of the senate, one from each of the state’s congressional districts.**

2. Each member of the board shall serve for a term of five years. Any vacancy on the board shall be filled by the governor and the person appointed to fill the vacancy shall possess the qualifications required by this chapter and shall serve until the end of the unexpired term of his or her predecessor, **if any**.

3. The public member shall be at the time of his or her appointment a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and



a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 6, Section 333.325, Line 12 by inserting after said line the following:

“(4) **Have successfully passed the Missouri law examination as designated by the board;**” and renumber the remaining subdivision accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

#### HOUSE BILLS ON THIRD READING

**HCS** for **HB 21**, with **SCS**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 21**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 21

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 21** be adopted, which motion prevailed.

Senator Stouffer assumed the Chair.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 21** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bray	Callahan	Champion	Clemens	Cunningham	Days	Engler	Green
Griesheimer	Justus	Mayer	McKenna	Nodler	Pearce	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Vogel	Wilson	Wright-Jones—24

## NAYS—Senators

Barnitz	Bartle	Crowell	Dempsey	Goodman	Lager	Lembke	Purgason
Ridgeway	Stouffer—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 464**, as amended: Senators Stouffer, Clemens, Vogel, Days and McKenna.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 683**, as amended: Senators Stouffer, Griesheimer, Scott, Days and McKenna.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: The House conferees on **SCS No. 2** for **HCS** for **HB 148** will be allowed to exceed the differences in Section 137.073 as it relates to county collectors sending additional information to tax payers.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 376**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon, and the conferees be allowed to exceed the differences in Sections 137.073 and 139.031 relating to notification requirements placed upon county collectors and political subdivisions.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker

has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 683**, as amended. Representatives: Dixon, Faith, Jones (89), Schieffer and Meadows.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 296**, as amended. Representatives: Wells, Day, Wasson, Schoemehl and Dougherty.

### **RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 1086, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ben Bollinger, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1087, regarding Kristan Dohogne, Delta, which was adopted.

Senator Crowell offered Senate Resolution No. 1088, regarding Allen Michael Seabaugh, Delta, which was adopted.

Senator Crowell offered Senate Resolution No. 1089, regarding Erica N. Morrow, Oran, which was adopted.

Senator Crowell offered Senate Resolution No. 1090, regarding Ashleigh Green, Oran, which was adopted.

Senator Crowell offered Senate Resolution No. 1091, regarding Dustin Dean Brotherton, Marquand, which was adopted.

Senator Crowell offered Senate Resolution No. 1092, regarding Kimberly Proctor, Marquand, which was adopted.

Senator Schaefer offered Senate Resolution No. 1093, regarding David Black, which was adopted.

Senator Schaefer offered Senate Resolution No. 1094, regarding Sally Nelson Froese, which was adopted.

Senator Schaefer offered Senate Resolution No. 1095, regarding Brenda McClelland, which was adopted.

On motion of Senator Engler, the Senate recessed until 2:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

### **RESOLUTIONS**

Senator Rupp offered Senate Resolution No. 1096, regarding Travis J. Pringle, which was adopted.

Senator Crowell offered Senate Resolution No. 1097, regarding Jackelyn Laurel Hendricks, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1098, regarding Matthew Gerald Reinagel, Kelso, which was adopted.

Senator Pearce offered Senate Resolution No. 1099, regarding Dr. Elwood Chipchase, Belton, which

was adopted.

### PRIVILEGED MOTIONS

Senator Scott moved that **SS** for **SCS** for **SB 1**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SS** for **SCS** for **SB 1**, as amended, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1

An Act to repeal sections 333.011, 333.101, 333.121, 333.221, 333.241, 333.251, 436.005, 436.007, 436.011, 436.015, 436.021, 436.027, 436.031, 436.035, 436.038, 436.041, 436.045, 436.048, 436.051, 436.053, 436.055, 436.061, 436.063, 436.065, 436.067, 436.069, and 436.071, RSMo, and to enact in lieu thereof thirty-eight new sections relating to preneed funeral contracts, with penalty provisions.

Was taken up.

Senator Scott moved that **HCS** for **SS** for **SCS** for **SB 1**, as amended, be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Stouffer	Vogel	Wilson	Wright-Jones—31	

#### NAYS—Senators

Goodman Shoemyer—2

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott, **HCS** for **SS** for **SCS** for **SB 1**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Scott	Shields	Stouffer	Vogel	Wilson	Wright-Jones—30		

#### NAYS—Senators

Goodman Shoemyer—2

Absent—Senators

Schmitt Smith—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Dempsey moved that **SB 147**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 147**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 147

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Missouri healthy workplace recognition program.

Was taken up.

Senator Dempsey moved that **HCS** for **SB 147** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dempsey, **HCS** for **SB 147** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Goodman moved that **SB 154**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 154**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 154

An Act to repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer companies.

Was taken up.

Senator Goodman moved that **HCS for SB 154** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Goodman, **HCS for SB 154** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

**HOUSE BILLS ON THIRD READING**

Senator Lembke moved that **HCS** for **HJR 10**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **HCS** for **HJR 10**, as amended, was again taken up.

President Kinder assumed the Chair.

Senator Pearce assumed the Chair.

At the request of Senator Lembke, **HCS** for **HJR 10**, with **SS**, as amended (pending), was placed on the Informal Calendar.

**PRIVILEGED MOTIONS**

Senator Lembke moved that the Senate refuse to concur in **HCS** for **SB 435** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon; and further that the conferees be allowed to exceed the differences for the purpose of adding a provision to section 630.407, that the changes apply only to counties that do not have Senate Bill 40 Boards, which motion prevailed.

Senator Griesheimer moved that the conferees on **SCS No. 2** for **HCS** for **HB 148** be allowed to exceed the differences in Section 137.073 as it relates to county collectors sending additional information to taxpayers, which motion prevailed.

Senator Griesheimer moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 376**, as amended, and grant the House a conference thereon; and the conferees be allowed to exceed the differences in Sections 137.073 and 139.031 relating to notification requirements placed upon county collectors and political subdivisions, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt the Conference Committee Report on **SCS** for **HCS** for **HB 11** and requests the Senate grant the House further conference.

### PRIVILEGED MOTIONS

Senator Nodler moved that the Senate grant the House a further conference on **SCS** for **HCS** for **HB 11**, which motion prevailed.

Senator Rupp moved that **SCS** for **SB 338**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 338**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 338

An Act to repeal sections 191.225, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.037, 595.040, 595.045, 595.060, and 595.209, RSMo, and to enact in lieu thereof thirteen new sections relating to crime victims, with a penalty provision.

Was taken up.

Senator Rupp moved that **HCS** for **SCS** for **SB 338** be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

#### NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, **HCS** for **SCS** for **SB 338** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33



NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Purgason moved that the Senate refuse to recede from its position on **SA 1** to **HCS** for **HB 246** and grant the House a conference thereon, which motion prevailed.

#### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields reappointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 11**: Senators Nodler, Mayer, Rupp, Bray and Green.

#### **RESOLUTIONS**

Senator Lembke offered Senate Resolution No. 1100, regarding Monsignor Edward W. Reilly, which was adopted.

Senator Stouffer offered Senate Resolution No. 1101, regarding Lucille Riesterer, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 1102, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leslie Limback, Alma, which was adopted.

Senator Stouffer offered Senate Resolution No. 1103, regarding Steve Hunter, which was adopted.

Senator Stouffer offered Senate Resolution No. 1104, regarding Kamela Jarman, Odessa, which was adopted.

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

#### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Callahan.

#### **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Nodler, Chairman of the Committee on Appropriations, Senator Shields submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 22**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **SCS** for **HCS** for **HB 11**. Representatives: Icet, Stream, Sater, Kelly and Curls.

**INTRODUCTIONS OF GUESTS**

Senator Shields introduced to the Senate, Paul and Christina Stickler and their sons, Jonathan and Jackson, Homeschoolers from St. Joseph; and Jonathan and Jackson were made honorary pages.

Senator Rupp introduced to the Senate, one hundred eighth grade students from St. Joseph Middle School, Cottleville.

Senator Purgason introduced to the Senate, Jim Divincen, Osage Beach.

On motion of Senator Shields, the Senate adjourned until 10:30 a.m., Thursday, May 7, 2009.

**SENATE CALENDAR**  

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SIXTY-SEVENTH DAY—THURSDAY, MAY 7, 2009

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**FORMAL CALENDAR****THIRD READING OF SENATE BILLS**

SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)

**HOUSE BILLS ON THIRD READING**

- |  |  |
|--|--|
| 1. HB 65-Wilson (119), et al (Pearce)<br>(In Fiscal Oversight) | 6. HCS for HB 152 (Bartle)<br>(In Fiscal Oversight)                    |
| 2. HCS for HBs 320, 39 & 662 (Mayer)<br>(In Fiscal Oversight)  | 7. HCS for HB 62, with SCS (Bartle)<br>(In Fiscal Oversight)           |
| 3. HB 86-Sutherland (Lager)<br>(In Fiscal Oversight)           | 8. HB 734-Ruzicka and Hobbs, with SCS<br>(Lager) (In Fiscal Oversight) |
| 4. HCS for HB 580, with SCS (Dempsey)<br>(In Fiscal Oversight) | 9. HB 30-Brandom, et al, with SCS<br>(Goodman) (In Fiscal Oversight)   |
| 5. HCS for HBs 46 & 434 (Mayer)<br>(In Fiscal Oversight)       | 10. HCS for HB 22, with SCS (Nodler)                                   |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce and Smith, with SCS &  
SS#3 for SCS (pending)  
SB 57-Stouffer, with SCS & SA 1 (pending)  
SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for SCS  
(pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)  
SB 228-Scott, with SCS, SS for SCS, SA 12,  
SSA 1 for SA 12 & SA 1 to SSA 1 for SA 12  
(pending)

SB 236-Lembke  
SB 254-Barnitz, with SS (pending)  
SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS & SS#3 for SCS (pending)  
SB 264-Mayer  
SB 267-Mayer and Green, with SA 1 (pending)  
SB 284-Lembke, et al, with SA 1 (pending)  
SB 299-Griesheimer, with SCS & SS for SCS  
(pending)  
SB 321-Days, et al, with SCS (pending)  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)  
SB 527-Nodler and Bray  
SB 555-Lager, with SCS, SS for SCS & SA 2  
(pending)  
SB 569-Lembke, with SCS  
SB 572-Dempsey and Justus  
SJR 12-Scott, with SCS (pending)

HOUSE BILLS ON THIRD READING

HCS for HBs 128 & 340, with SA 1  
(pending) (Scott)  
HCS for HB 191, with SCS & SS for SCS  
(pending) (Griesheimer)  
HB 229-Ervin, with SCS, SS for SCS,  
SA 8, SSA 1 for SA 8 & SA 1 to SSA 1  
for SA 8 (pending) (Dempsey)  
HB 258-Jones (89), et al, with SCS & SA 1  
(pending) (Rupp)  
HB 287-Day, et al, with SS (pending) (Mayer)  
HCS for HB 481 (Lembke)  
HB 488-Schad, et al, with SCS (pending)  
(Pearce)

HCS for HB 495, with SCS, SS for SCS,  
SA 1, SSA 2 for SA 1 & SA 1 to SSA 2  
for SA 1 (pending) (Griesheimer)  
SS for SCS for HCS for HB 577 (Rupp)  
(In Fiscal Oversight)  
HCS for HBs 658 & 706 (Clemens)  
HB 659-Dusenberg, et al, with SCS & SA 1  
(pending) (Bartle)  
SCS for HB 745-Loehner, et al (Clemens)  
(In Fiscal Oversight)  
HCS for HJR 10, with SS (pending) (Lembke)  
HCS for HJR 32, with SCA 1 &  
SA 1 to SCA 1 (pending) (Schaefer)

# CONSENT CALENDAR

## House Bills

### Reported 4/9

HCS for HB 251 (Clemens)  
 HB 210-Deeken (Crowell)  
 HB 400-Nasheed, et al (Pearce)

HB 593-Viebrock (Crowell)  
 HB 678-Wasson (Goodman)  
 HB 537-Dixon, et al (Wright-Jones)

### Reported 4/14

HB 83-Wood, with SCS (Goodman)  
 HCS for HB 124 (McKenna)  
 HB 282-Stevenson, et al (Nodler)  
 HB 652-Pratt (Bartle)

HB 698-Zimmerman, et al (Schmitt)  
 HCS for HB 895 (Stouffer)  
 HB 918-Kelly (Schaefer)  
 HB 919-Ruestman, et al (Goodman)

### Reported 4/15

HCS for HB 525 (Schmitt)  
 HCS for HB 231 (Rupp)  
 HB 826-Brown (149), et al (Lembke)  
 HCS for HB 685 (Goodman)  
 HB 811-Wasson (Scott)  
 HCS for HB 273 (Scott)  
 HCS for HB 485 (Mayer)

HB 859-Dieckhaus, et al (Griesheimer)  
 HB 283-Wood, with SCS (Goodman)  
 HCS for HBs 234 & 493 (Shoemyer)  
 HB 289-Wallace (Mayer)  
 HB 373-Wallace, with SCS (Mayer)  
 HB 490-Schad, et al (Pearce)  
 HB 682-Swinger, et al (Mayer)

## SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 71-Stouffer, with HCS,  
 as amended  
 SB 215-Shields, with HCS, as amended

SB 526-Clemens, with HA 1, HA 2, HA 3  
 & HA 4  
 SCS for SB 563-Smith, with HCS

## BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

### In Conference

SCS for SB 47-Scott, with HCS  
 SB 171-Griesheimer, with HCS, as amended  
 SCS for SB 242-Pearce, with HCS,  
 as amended

SB 296-Scott, with HCS, as amended  
 SS for SB 307-Dempsey, with HCS,  
 as amended  
 (Senate adopted CCR and passed CCS)

SB 464-Stouffer, with HCS, as amended  
SB 513-Dempsey, with HA 1, as amended  
HCS for HB 2, with SS for SCS (Nodler)  
HCS for HB 3, with SS for SCS (Nodler)  
HCS for HB 4, with SCS (Nodler)  
HCS for HB 5, with SCS (Nodler)  
HCS for HB 6, with SCS (Nodler)  
HCS for HB 7, with SCS (Nodler)  
HCS for HB 8, with SCS (Nodler)  
HCS for HB 9, with SCS (Nodler)  
HCS for HB 10, with SCS (Nodler)  
HCS for HB 11, with SCS (Nodler)  
(Further conference granted)  
HCS for HB 12, with SCS (Nodler)  
HB 13-Icet, with SCS (Nodler)  
HB 91-Pollock, with SCS (Purgason)

HCS for HB 148, with SCS#2 (Griesheimer)  
HCS for HB 154, with SS, as amended (Shields)  
HCS for HB 246, with SA 1 (Purgason)  
HCS for HB 265, with SCS (Crowell)  
HB 269-Parson, et al, with SCS, as amended  
(Scott)  
HCS for HB 376-Hobbs, et al, with SS for SCS,  
as amended (Griesheimer)  
HB 395-Nance, et al, with SS for SCS,  
as amended (Stouffer)  
HCS for HB 397 & HCS for HB 947, with  
SCS (Ridgeway)  
HCS for HB 427, with SCS, as amended (Pearce)  
HB 683-Schieffer, et al, with SS for SCS,  
as amended (Stouffer)

#### Requests to Recede or Grant Conference

SB 435-Lembke, with HCS  
(Senate requests House  
recede or grant conference)

### RESOLUTIONS

#### Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al  
SCR 14-Schmitt

SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt  
HCS for HCR 16 (Cunningham)

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# Journal of the Senate

## FIRST REGULAR SESSION

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**SIXTY-SEVENTH DAY—THURSDAY, MAY 7, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“We have to pray with our eyes on God, not on the difficulties.” (Oswald Chambers)

These days, Lord, increase the tension we know; for we approach a time when this session will end and our work for this time will end and we have much we still want to accomplish. On this National Day of Prayer, help us to keep our eyes on You and not the problems and conflict we see about us so our efforts are true and directed in what You see as truly important that we can bring to completion. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 1105, regarding Ashley Crimaldi, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 1106, regarding Katie Jarboe, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 1107, regarding Elise K. Hammond, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 1108, regarding Kailyn Brown, Columbia, which was adopted.

Senator Nodler offered Senate Resolution No. 1109, regarding Elizabeth Jane (Bettie) Mueller, Joplin, which was adopted.

Senator Vogel offered Senate Resolution No. 1110, regarding the Twenty-fifth Anniversary of the Missouri Children's Trust Fund, which was adopted.

Senator Vogel offered Senate Resolution No. 1111, regarding Charles Wesley Lambirth, Jefferson City, which was adopted.

Senator Shields offered Senate Resolution No. 1112, regarding Jason Baldrige, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1113, regarding Nick Boden, Maryville, which was adopted.

Senator Ridgeway offered the following resolution:

SENATE RESOLUTION NO. 1114

WHEREAS, the skin performs many essential tasks, such as protection from ultraviolet ("UV") light, regulation of body temperature, provision of sensation, and support for metabolic functions; and

WHEREAS, in 2004, the total direct cost associated with the treatment for non-melanoma skin cancer was 1.5 billion dollars; and

WHEREAS, one-half of all new cancers will be skin cancers and the incidence of skin cancer is more than breast, colon, lung, prostate and all other cancers combined; and

WHEREAS, current estimates are that one in five of all Americans and one in three United States Caucasians will develop skin cancer in their lifetime; and

WHEREAS, more than 1 million new cases of skin cancer will be diagnosed in the United States this year; and

WHEREAS, according to a national cancer database from 1975-2000, melanoma is the most common form of cancer for young adults 25-29 years old and the second most common form of cancer for adolescents and young adults 15-29 years old; and

WHEREAS, more than one blistering sunburn in childhood potentially doubles a person's chance of developing melanoma later in life; and

WHEREAS, two percent of all cancer deaths are due to excessive exposure to the sun, a statistic similar to those attributed to environmental pollutants; and

WHEREAS, overexposure to natural sunlight or man-made light sources are associated with skin cancer and premature aging; and

WHEREAS, more than 90 percent of all skin cancers are caused by UV exposure, yet fewer than 35 percent of adults, adolescents, and children routinely use sun protection and fewer are routinely checked for skin cancer during regular checkups; and

WHEREAS, the Skin Cancer Foundation has deemed May as the national Skin Cancer Awareness Month designed to promote awareness, prevention, and early detection of melanoma and other skin cancers:

NOW THEREFORE BE IT RESOLVED that members of the Missouri Senate, Ninety-Fifth General Assembly, First Regular Session, hereby designate May 2009 as Skin Cancer and UV Radiation Awareness Month in the State of Missouri.

Senator Green offered Senate Resolution No. 1115, regarding Ronald Creyton Barnes, Saint Louis, which was adopted.

Senator Smith offered Senate Resolution No. 1116, regarding Kailey Burger, which was adopted.

Senator Stouffer offered Senate Resolution No. 1117, regarding Karen Elaine Vialle, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1118, regarding Patricia R. Martin, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1119, regarding Kimberly A. Knox, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1120, regarding Amy Sellars, Lexington, which was adopted.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 376**, as amended: Senators Griesheimer, Dempsey, Vogel, Shoemyer and Justus.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 2** and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 2**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 3** and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 3**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 4** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 4**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 5** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 6** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 7** and has taken up and



passed **CCS** for **SCS** for **HCS** for **HB 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 8** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 9** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 9**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 10** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 10**.

### **PRIVILEGED MOTIONS**

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 2** moved that the following conference committee report be taken up, which motion prevailed.

#### **CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2.
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

#### **FOR THE SENATE:**

/s/ Gary Nodler

Robert Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

#### **FOR THE HOUSE:**

/s/ Allen Icet

/s/ Rick Stream

/s/ David Sater

/s/ Chris Kelly

/s/ Shalonn K. Curls

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Smith—1

Absent—Senators

Justus Mayer—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SS** for **SCS** for **HCS** for **HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Smith—1

Absent—Senators

Justus Mayer—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 228**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 883**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 681**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 381**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 546**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HBs 187** and **235**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 170**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 116**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources,

submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 250**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **HCS** for **HB 361**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HB 734**, with **SCS**; **HCS** for **HB 580**, with **SCS**; and **HCS** for **HBs 46** and **434**, begs leave to report that it has considered the same and recommends that the bills do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 795**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 802**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 96**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 390**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HB 1075**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 545**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 222**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 391**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer assumed the Chair.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCR 4**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

### **PRIVILEGED MOTIONS**

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 3** moved that the following conference committee report be taken up, which motion prevailed.

#### **CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3.
2. That the House recede from its position on House Committee Substitute for House Bill No. 3.
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

#### **FOR THE SENATE:**

/s/ Gary Nodler

/s/ Robert Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

#### **FOR THE HOUSE:**

/s/ Allen Icet

/s/ Rick Stream

/s/ David Sater

/s/ Chris Kelly

/s/ Shalonn K. Curls

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Lembke	Mayer	McKenna	Nodler
Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bartle	Justus	Lager	Purgason—4
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Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SS** for **SCS** for **HCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Lembke	Mayer	McKenna	Nodler
Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bartle	Justus	Lager	Purgason—4
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Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

On motion of Senator Engler, the Senate recessed until 1:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Shields.

### **RESOLUTIONS**

Senator Shields offered Senate Resolution No. 1121, regarding the Class 4 State Champion Platte County High School Girls Basketball Team, which was adopted.

Senator Green offered Senate Resolution No. 1122, regarding Christopher M. Graham, which was adopted.

Senator Cunningham offered Senate Resolution No. 1123, regarding the Saint Louis Ballet Company, which was adopted.

Senator Cunningham offered Senate Resolution No. 1124, regarding David S. Glaser, which was adopted.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SCS** for **HCS** for **HB 11** and has taken up and passed **CCS No. 2** for **SCS** for **HCS** for **HB 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 12** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 12**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 13** and has taken up and passed **CCS** for **SCS** for **HB 13**.

### **PRIVILEGED MOTIONS**

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 4** moved that the following conference committee report be taken up, which motion prevailed.

#### **CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 4**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed

to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
2. That the House recede from its position on House Committee Substitute for House Bill No. 4.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ David Sater

/s/ Chris Kelly

/s/ Shalonn K. Curls

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler	Pearce
Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Bartle	Justus	Lager	Lembke	Purgason—5
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Absent—Senators

Engler	Scott—2
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was read the 3rd time and passed by the following vote:



## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler	Pearce
Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson	Wright-Jones—27					

## NAYS—Senators

Bartle	Justus	Lager	Lembke	Purgason—5
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## Absent—Senators

Engler	Scott—2
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Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Goodman moved that motion lay on the table, which motion prevailed.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 5** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 5

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5.
2. That the House recede from its position on House Committee Substitute for House Bill No. 5.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

## FOR THE SENATE:

/s/ Gary Nodler  
/s/ Robert Mayer  
/s/ Joan Bray  
/s/ Timothy P. Green  
/s/ Scott T. Rupp

## FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ David Sater  
/s/ Chris Kelly  
/s/ Shalonn K. Curls

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Goodman	Green	Griesheimer	Justus	Mayer	McKenna	Nodler
Pearce	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Bartle	Lager	Lembke	Purgason	Ridgeway—5
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Absent—Senators

Engler	Scott—2
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 5**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Mayer	McKenna
Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bartle	Lager	Lembke	Purgason	Ridgeway—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 6** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 6

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6.
2. That the House recede from its position on House Committee Substitute for House Bill No. 6.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ David Sater

/s/ Chris Kelly

/s/ Shalonn K. Curls

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler
Pearce	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Bartle	Justus	Lager	Lembke	Purgason	Ridgeway	Stouffer—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2009 and ending June 30, 2010.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler
Pearce	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson	Wright-Jones—28				

NAYS—Senators

Bartle	Justus	Lager	Lembke	Purgason	Ridgeway—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 7** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 7

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7.
2. That the House recede from its position on House Committee Substitute for House Bill No. 7.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, be truly agreed to and finally passed.

## FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

## FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ David Sater

/s/ Chris Kelly

/s/ Shalonn K. Curls

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Mayer	McKenna
Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

## NAYS—Senators

Bartle	Lager	Lembke	Purgason	Ridgeway—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Under the provisions of Senate Rule 91, Senator Green was excused from voting on 3rd reading and final passage of the bill.

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
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Dempsey	Engler	Goodman	Griesheimer	Justus	Mayer	McKenna	Nodler
Pearce	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson	Wright-Jones—28				

NAYS—Senators

Bartle	Lager	Lembke	Purgason	Ridgeway—5
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Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Green—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 8** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 8

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8.
2. That the House recede from its position on House Committee Substitute for House Bill No. 8.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ David Sater

/s/ Chris Kelly

/s/ Shalonn K. Curls

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

## NAYS—Senators

Bartle	Lager	Lembke	Purgason—4
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Absent—Senators—None

Absent with leave—Senator Scott—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

## NAYS—Senators

Bartle	Lager	Lembke	Purgason—4
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Absent—Senators—None

Absent with leave—Senator Scott—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HJR 11**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HJR 37**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

### PRIVILEGED MOTIONS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 9** moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 9

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.
2. That the House recede from its position on House Committee Substitute for House Bill No. 9.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

#### FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

#### FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ David Sater

/s/ Chris Kelly

/s/ Shalonn K. Curls

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz

Bray

Callahan

Champion

Clemens

Crowell

Cunningham

Days



Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Mayer	McKenna
Nodler	Pearce	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson	Wright-Jones—28				

## NAYS—Senators

Bartle	Lager	Lembke	Purgason	Ridgeway—5
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Absent—Senators—None

Absent with leave—Senator Scott—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

## NAYS—Senators

Bartle	Lager	Lembke	Purgason—4
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Absent—Senators—None

Absent with leave—Senator Scott—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 10** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 10

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10.
2. That the House recede from its position on House Committee Substitute for House Bill No. 10.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler  
/s/ Robert Mayer  
/s/ Joan Bray  
/s/ Timothy P. Green  
/s/ Scott T. Rupp

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ David Sater  
/s/ Chris Kelly  
/s/ Shalonn K. Curls

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler	Pearce
Rupp	Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—26						

NAYS—Senators

Bartle	Justus	Lager	Lembke	Purgason	Ridgeway—6
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Absent—Senator Crowell—1

Absent with leave—Senator Scott—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 10**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of

Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler	Pearce
Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Smith	Vogel
Wilson	Wright-Jones—26						

NAYS—Senators

Bartle	Bray	Justus	Lager	Lembke	Purgason	Stouffer—7
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Absent—Senators—None

Absent with leave—Senator Scott—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 11** moved that the following conference committee report no. 2 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 11

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11.
2. That the House recede from its position on House Committee Substitute for House Bill No. 11.
3. That the attached Conference Committee Substitute No. 2 for Senate Committee Substitute for House

Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ David Sater

/s/ Chris Kelly

/s/ Shalonn K. Curls

Senator Nodler moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler
Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Stouffer
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Bartle	Justus	Lager	Lembke	Purgason	Smith—6
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Absent—Senators—None

Absent with leave—Senator Scott—1

Vacancies—None

The Senate observed a moment of prayer for Senator Scott.

On motion of Senator Nodler, **CCS No. 2** for **SCS** for **HCS** for **HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler
Pearce	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—26						

## NAYS—Senators

Bartle                  Justus                  Lager                  Lembke                  Purgason                  Ridgeway                  Smith—7

Absent—Senators—None

Absent with leave—Senator Scott—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 12** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 12

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 12.
2. That the House recede from its position on House Committee Substitute for House Bill No. 12.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

## FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

## FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ David Sater

/s/ Chris Kelly

/s/ Shalonn K. Curls

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler

Pearce	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Bartle	Justus	Lager	Lembke	Purgason	Ridgeway—6
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Absent—Senators—None

Absent with leave—Senator Scott—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 12**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Mayer	McKenna	Nodler
Pearce	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Bartle	Justus	Lager	Lembke	Purgason	Ridgeway—6
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Absent—Senators—None

Absent with leave—Senator Scott—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 13** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 13

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 13, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 13.
2. That the House recede from its position on House Bill No. 13.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 13, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert Mayer

/s/ Joan Bray

/s/ Timothy P. Green

/s/ Scott T. Rupp

FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ David Sater

/s/ Chris Kelly

/s/ Shalonn K. Curls

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bartle	Lager	Lembke	Purgason—4
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Absent—Senators—None

Absent with leave—Senator Scott—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HB 13**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bartle	Lager	Lembke	Purgason—4
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Absent—Senators—None

Absent with leave—Senator Scott—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 22**, with **SCS**, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 22**, entitled:



SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 22

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capitol improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 22** be adopted.

Senator Nodler offered **SS** for **SCS** for **HCS** for **HB 22**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 22

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds.

Senator Nodler moved that **SS** for **SCS** for **HCS** for **HB 22** be adopted.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

Senator Shoemyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 22, Page 15, Section 22.360, Line 6, by inserting immediately thereafter the following section:

“Section 22.400. To the Coordinating Board for Higher Education

For design and construction of a new building at Moberly Area Community College - Hannibal satellite location

From Federal Budget Stabilization Fund . . . . . \$1,600,000”

and

Further amend bill totals accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion failed.

Senator Barnitz offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 22, Page 11, Section 22.240, Line 2, by deleting said line and inserting in lieu thereof the following:

“For an operable communications system for the Missouri State Highway Patrol and other state agencies”; and

further amend said section, line 4, by deleting the number “\$111,700,000” and inserting in lieu thereof the following number: “\$82,000,000”; and

further amend said section, line 4, by inserting immediately thereafter the following:

“For grants to local political subdivisions for the purchase of radios and radio equipment for the purpose of enhancing interoperable communications for first responders including but not limited to: emergency medical services, law enforcement and fire service agencies

From Federal Budget Stabilization Fund . . . . . 10,000,000

Total . . . . . \$92,000,000”; and

further amend bill totals accordingly.

Senator Barnitz moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Justus, Shoemyer and Wilson.

**SA 2** failed of adoption by the following vote:

## YEAS—Senators

Barnitz	Justus	Smith	Wilson	Wright-Jones—5
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## NAYS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Lager	Lembke	Mayer	McKenna	Nodler
Pearce	Purgason	Ridgeway	Schaefer	Schmitt	Shields	Shoemyer	Stouffer
Vogel—25							

## Absent—Senators

Bray	Cunningham	Rupp—3
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Absent with leave—Senator Scott—1

Vacancies—None

Senator Lager offered **SA 3**, which was read:

## SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 22, Page 4, Section 22.050, Line 5, by inserting immediately after said line the following:

“22.051. To the Office of Administration

For the Division of Facilities Management Design and Construction

For the design, construction, renovation and/or purchase of the State Senator Gary Nodler office building in Joplin of similar design construction and materials of the state capitol building of Missouri

From Federal Budget Stabilization . . . . . \$25,000,000”;  
and

Further amend bill totals accordingly.

Senator Lager moved that the above amendment be adopted.

At the request of Senator Lager, **SA 3** was withdrawn.

Senator Justus offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 22, Page 12, Section 22.285, by inserting immediately thereafter, the following new section,  
“22.288. To the Department of Transportation

For distribution to a public transit provider whose service area includes any home rule city with more than four hundred thousand inhabitants and located in more than one county

From Federal Budget Stabilization Fund . . . . . \$5,000,000”;

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Ridgeway, Smith and Wilson.

Senator Pearce assumed the Chair.

**SA 4** failed of adoption by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Justus	McKenna	Ridgeway	Smith	Wilson
Wright-Jones—9							

#### NAYS—Senators

Bartle	Champion	Clemens	Crowell	Cunningham	Dempsey	Engler	Goodman
Green	Griesheimer	Lager	Lembke	Mayer	Nodler	Pearce	Purgason
Schaefer	Shields	Shoemyer	Stouffer	Vogel—21			

#### Absent—Senators

Rupp	Schmitt—2
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#### Absent with leave—Senators

Days	Scott—2
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#### Vacancies—None

Senator Nodler moved that **SS** for **SCS** for **HCS** for **HB 22** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SCS** for **HCS** for **HB 22** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey	Engler
Green	Griesheimer	Justus	Mayer	McKenna	Nodler	Pearce	Schaefer
Schmitt	Shields	Shoemyer	Smith	Vogel	Wilson	Wright-Jones—23	

NAYS—Senators

Barnitz	Bartle	Goodman	Lager	Lembke	Purgason	Ridgeway	Stouffer—8
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Absent—Senator Rupp—1

Absent with leave—Senators

Days                Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

## COMMUNICATIONS

President Pro Tem Shields submitted the following:

May 7, 2009

Joint Committee on Capital Improvements and Leasing Oversight

State Capitol, Room 503

Jefferson City, MO 65101

Dear Chairman Icet, Vice Chairman Nodler and Members:

I request that the Joint Committee on Capital Improvements and Leasing Oversight include in its review of capital improvement projects potentially funded by federal budget stabilization dollars the following items:

- New construction and renovation of facilities,
- Maintenance and repair,
- Public transportation,
- Technology infrastructure and
- Other appropriate uses of one-time funding

I ask that your work be completed and a report submitted to me and the Speaker of the House by August 31, 2009.

Sincerely,

/s/ Charlie Shields

Charles W. Shields

## REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following

reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Karen L. Benson, as Chair of the Governor's Council on Disability;

Also,

Paula E. Clay and Stephen F. Huss, as members of the Children's Trust Fund Board;

Also,

Marc H. Ellinger, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees;

Also,

Scott W. Hovis and Eric Rhone, as members of the Tourism Commission;

Also,

Timothy P. McGrail, Nanci A. Bobrow, Florence T. Pullen and D. Kimberly Whittle, as members of the Child Abuse and Neglect Review Board;

Also,

Peter W. Hofherr and Phillip C. Dressel, as members of the Missouri Wine and Grape Board;

Also,

Mary A. Long, as a member of the University of Central Missouri Board of Governors;

Also,

Elaine Powers, as a member of the Missouri Community Service Commission;

Also,

Doyle L. Privett and Daren Todd, as members of the Southeast Missouri State University Board of Regents;

Also,

Rodger D. Owens, Elizabeth K. Grove and Susan McCray Armstrong, as members of the Safe Drinking Water Commission;

Also,

Phyllis M. Wolfram, as a member of the Missouri Commission on Autism Spectrum Disorders;

Also,

Samuel D. Leake, as a member of the Clean Water Commission of the State of Missouri;

Also,

Thelma V. Cook and Debra A. Hollingsworth, as members and Derek Collins, as a student representative of the Harris-Stowe State University Board of Regents;

Also,

Vernetta Kaye Newsome, as a member of the Missouri Consolidated Health Care Plan Board of Trustees;

Also,

Phillip L. Gould, as a member of the Seismic Safety Commission;

Also,

Gerald J. Zafft, as a member of the Missouri Family Trust Board of Trustees.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor:

GOVERNOR OF MISSOURI

Jefferson City

65102

May 7, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office made and submitted to you on April 09, 2009, for your advice and consent:

Anthony Thompson, Democrat, 1100 Sandistan Court, Saint Louis, Saint Louis County, Missouri 63146, as a member of the State Board of Education, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, Derio L. Gambaro, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields moved that the above appointment be returned to the Governor per his request, which motion prevailed.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 263**, entitled:

An Act to repeal sections 8.001, 8.003, 8.007, 44.105, and 44.227, RSMo, and to enact in lieu thereof five new sections relating to the state commissions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 61**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **SCS** for **SB 411**, entitled:

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof fifteen new sections relating to public employee retirement systems.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 196**, entitled:

An Act to repeal section 247.031, RSMo, and to enact in lieu thereof one new section relating to detachment from public water supply districts.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 224**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 15**, entitled:

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 179**, entitled:

An Act to authorize the conveyance of certain state properties, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 216**, entitled:

An Act to repeal section 425.010, RSMo, and to enact in lieu thereof seven new sections relating to debt settlement providers.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 216, Section 425.360, Page 3, Line 1, by deleting the words, “**carry aggregate liability insurance**” and inserting in lieu thereof the words, “**post a surety bond**”; and

Further amend said bill, Section 425.365, Page 3, Line 5, by inserting after the word, “**violation.**” the following words, “**Nothing in this section shall be construed to limit or take away an individual’s rights or remedies available under Chapter 407.**” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 265** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 265**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **SCS** for **HCS** for **HB 246**, as amended, be allowed to exceed the differences in Section 444.770, Page 5, Line 15 as it relates to commercial sales.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 36** and **112**, entitled:

An Act to repeal sections 566.030 and 566.060, RSMo, and to enact in lieu thereof two new sections relating to the penalties for certain forcible sexual offenses committed against children, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 376**, as amended. Representatives: Hobbs, Brown (30), Bruns, Skaggs and Hummel.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **HB 246**, as amended. Representatives: Loehner, Ruzicka, Schlottach, Harris and Brown (50).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 17** and has taken up and passed **SCS** for **HCS** for **HB 17**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has



taken up and passed **HCS** for **SCS** for **SB 44**, entitled:

An Act to repeal sections 221.111, 221.353, 221.510, 575.210, 575.220, and 575.240, RSMo, and to enact in lieu thereof eight new sections relating to private jails, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** and **SA 2** to **HCS** for **HB 909** and has taken up and passed **HCS** for **HB 909**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 716** and has taken up and passed **SCS** for **HB 716**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 82** and has taken up and passed **SCS** for **HCS** for **HB 82**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 709** and has taken up and passed **HB 709**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 21** and has taken up and passed **SCS** for **HCS** for **HB 21**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 397** and **HCS** for **HB 947** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 397** and **HCS** for **HB 947**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 269**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 269**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 22** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 22**.

## **RESOLUTIONS**

Senator Bartle offered Senate Resolution No. 1125, regarding Clay Sakabu, Defiance, which was adopted.

Senator Bartle offered Senate Resolution No. 1126, regarding Wil Comer, which was adopted.

Senator Purgason offered Senate Resolution No. 1127, regarding the Sixty-eighth Wedding Anniversary of Mr. and Mrs. Farris Calton, Lebanon, which was adopted.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, May 11, 2009.

## SENATE CALENDAR

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SIXTY-EIGHTH DAY—MONDAY, MAY 11, 2009

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## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 546-Schmitt, et al  
SB 545-Schmitt

SB 222-Goodman, with SCS  
SB 391-Schaefer, with SCS

### HOUSE BILLS ON THIRD READING

- |  |   |
|--|---|
| 1. HB 65-Wilson (119), et al (Pearce)<br>(In Fiscal Oversight)       | 11. HCS for HB 883 (Pearce)                     |
| 2. HCS for HBs 320, 39 & 662 (Mayer)<br>(In Fiscal Oversight)        | 12. HCS for HB 681 (Pearce)                     |
| 3. HB 86-Sutherland (Lager)<br>(In Fiscal Oversight)                 | 13. HCS for HB 381                              |
| 4. HCS for HB 580, with SCS (Dempsey)                                | 14. HCS for HBs 187 & 235, with SCS<br>(Bartle) |
| 5. HCS for HBs 46 & 434 (Mayer)                                      | 15. HB 170-Cox, et al, with SCS                 |
| 6. HCS for HB 152 (Bartle)<br>(In Fiscal Oversight)                  | 16. HB 116-Hoskins                              |
| 7. HCS for HB 62, with SCS (Bartle)<br>(In Fiscal Oversight)         | 17. HCS for HB 250, with SCS (Scott)            |
| 8. HB 734-Ruzicka and Hobbs, with SCS<br>(Lager)                     | 18. HCS for HB 361                              |
| 9. HB 30-Brandom, et al, with SCS<br>(Goodman) (In Fiscal Oversight) | 19. HCS for HB 795, with SCS                    |
| 10. HCS for HB 228, with SCS (Lembke)                                | 20. HB 802-Tracy, et al (Crowell)               |
|  | 21. HCS for HB 96, with SCS (Mayer)             |
|  | 22. HCS for HB 390, with SCS                    |
|  | 23. HCS for HB 1075, with SCS<br>(Griesheimer)  |
|  | 24. HJR 11-McGhee, et al                        |
|  | 25. HJR 37-Cunningham                           |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
 SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB 29-Stouffer  
 SBs 45, 212, 136, 278, 279, 285 &  
 288-Pearce and Smith, with SCS &  
 SS#3 for SCS (pending)  
 SB 57-Stouffer, with SCS & SA 1 (pending)  
 SB 72-Stouffer, with SCS  
 SB 94-Justus, et al, with SCS & SS for SCS  
 (pending)  
 SB 174-Griesheimer and Goodman, with  
 SCS, SS#2 for SCS & SA 2 (pending)  
 SCS for SB 189-Shields  
 SBs 223 & 226-Goodman and Nodler, with  
 SCS & SA 1 (pending)  
 SB 228-Scott, with SCS, SS for SCS, SA 12,  
 SSA 1 for SA 12 & SA 1 to SSA 1 for SA 12  
 (pending)

SB 236-Lembke  
 SB 254-Barnitz, with SS (pending)  
 SBs 261, 159, 180 & 181-Bartle and Goodman,  
 with SCS & SS#3 for SCS (pending)  
 SB 264-Mayer  
 SB 267-Mayer and Green, with SA 1 (pending)  
 SB 284-Lembke, et al, with SA 1 (pending)  
 SB 299-Griesheimer, with SCS & SS for SCS  
 (pending)  
 SB 321-Days, et al, with SCS (pending)  
 SB 364-Clemens and Schaefer  
 SB 409-Stouffer, with SCS (pending)  
 SB 477-Wright-Jones, with SS (pending)  
 SB 527-Nodler and Bray  
 SB 555-Lager, with SCS, SS for SCS & SA 2  
 (pending)  
 SB 569-Lembke, with SCS  
 SB 572-Dempsey and Justus  
 SJR 12-Scott, with SCS (pending)

## HOUSE BILLS ON THIRD READING

HCS for HBs 128 & 340, with SA 1  
 (pending) (Scott)  
 HCS for HB 191, with SCS & SS for SCS  
 (pending) (Griesheimer)  
 HB 229-Ervin, with SCS, SS for SCS,  
 SA 8, SSA 1 for SA 8 & SA 1 to SSA 1  
 for SA 8 (pending) (Dempsey)  
 HB 258-Jones (89), et al, with SCS & SA 1  
 (pending) (Rupp)  
 HB 287-Day, et al, with SS (pending) (Mayer)  
 HCS for HB 481 (Lembke)  
 HB 488-Schad, et al, with SCS (pending)  
 (Pearce)

HCS for HB 495, with SCS, SS for SCS,  
 SA 1, SSA 2 for SA 1 & SA 1 to SSA 2  
 for SA 1 (pending) (Griesheimer)  
 SS for SCS for HCS for HB 577 (Rupp)  
 (In Fiscal Oversight)  
 HCS for HBs 658 & 706 (Clemens)  
 HB 659-Dusenbergh, et al, with SCS & SA 1  
 (pending) (Bartle)  
 SCS for HB 745-Loehner, et al (Clemens)  
 (In Fiscal Oversight)  
 HCS for HJR 10, with SS (pending) (Lembke)  
 HCS for HJR 32, with SCA 1 & SA 1 to  
 SCA 1 (pending) (Schaefer)

CONSENT CALENDAR

House Bills

Reported 4/9

HCS for HB 251 (Clemens)  
HB 210-Deeken (Crowell)  
HB 400-Nasheed, et al (Pearce)

HB 593-Viebrock (Crowell)  
HB 678-Wasson (Goodman)  
HB 537-Dixon, et al (Wright-Jones)

Reported 4/14

HB 83-Wood, with SCS (Goodman)  
HCS for HB 124 (McKenna)  
HB 282-Stevenson, et al (Nodler)  
HB 652-Pratt (Bartle)

HB 698-Zimmerman, et al (Schmitt)  
HCS for HB 895 (Stouffer)  
HB 918-Kelly (Schaefer)  
HB 919-Ruestman, et al (Goodman)

Reported 4/15

HCS for HB 525 (Schmitt)  
HCS for HB 231 (Rupp)  
HB 826-Brown (149), et al (Lembke)  
HCS for HB 685 (Goodman)  
HB 811-Wasson (Scott)  
HCS for HB 273 (Scott)  
HCS for HB 485 (Mayer)

HB 859-Dieckhaus, et al (Griesheimer)  
HB 283-Wood, with SCS (Goodman)  
HCS for HBs 234 & 493 (Shoemyer)  
HB 289-Wallace (Mayer)  
HB 373-Wallace, with SCS (Mayer)  
HB 490-Schad, et al (Pearce)  
HB 682-Swinger, et al (Mayer)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 15-Nodler, with HCS  
SCS for SBs 36 & 112-Goodman, with HCS  
SCS for SB 44-Pearce, with HCS  
SCS for SB 71-Stouffer, with HCS,  
as amended  
SCS for SB 179-Wright-Jones, with HCS  
SB 196-Shoemyer, with HCS

SB 215-Shields, with HCS, as amended  
SCS for SB 216-Scott, with HCS, as amended  
SB 263-Mayer, with HCS  
SCS for SB 411-Crowell, with HCS  
SB 526-Clemens, with HA 1, HA 2, HA 3 &  
HA 4  
SCS for SB 563-Smith, with HCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 47-Scott, with HCS  
SB 171-Griesheimer, with HCS,  
as amended

SCS for SB 242-Pearce, with HCS,  
as amended  
SB 296-Scott, with HCS, as amended

SS for SB 307-Dempsey, with HCS,  
 as amended  
 (Senate adopted CCR and passed CCS)  
 SB 464-Stouffer, with HCS, as amended  
 SB 513-Dempsey, with HA 1, as amended  
 HB 91-Pollock, with SCS (Purgason)  
 HCS for HB 148, with SCS#2 (Griesheimer)  
 HCS for HB 154, with SS, as amended  
 (Shields)  
 HCS for HB 246, with SA 1 (Purgason)  
 HCS for HB 265, with SCS (Crowell)  
 (House adopted CCR and passed CCS)  
 HB 269-Parson, et al, with SCS,  
 as amended (Scott)  
 (House adopted CCR and passed CCS)

HCS for HB 376-Hobbs, et al, with SS for  
 SCS, as amended (Griesheimer)  
 HB 395-Nance, et al, with SS for SCS,  
 as amended (Stouffer)  
 HCS for HB 397 & HCS for HB 947, with  
 SCS (Ridgeway)  
 (House adopted CCR and passed CCS)  
 HCS for HB 427, with SCS, as amended  
 (Pearce)  
 HB 683-Schieffer, et al, with SS for SCS,  
 as amended (Stouffer)

#### Requests to Recede or Grant Conference

SB 435-Lembke, with HCS  
 (Senate requests House  
 recede or grant conference)

### RESOLUTIONS

#### Reported from Committee

SR 141-Engler, with point of order (pending)  
 SCR 7-Pearce  
 SR 207-Lembke and Smith, with SCS & SS  
 for SCS (pending)  
 SCR 11-Bartle, et al  
 SCR 14-Schmitt

SCR 21-Clemens  
 SCR 10-Rupp  
 SCR 18-Bartle and Rupp  
 SCR 23-Schmitt  
 HCS for HCR 16 (Cunningham)  
 HCS for HCR 4

#### To be Referred

SR 1114-Ridgeway

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# Journal of the Senate

## FIRST REGULAR SESSION

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**SIXTY-EIGHTH DAY—MONDAY, MAY 11, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“True faith does not contradict its words by its conduct.” (Unknown)

Almighty God, we like to think of ourselves as a people of faith and practice our faith in what we do and say both here and at home. Grant that our actions and words do not contradict our faith in You and shows itself with those we love and love us and may we remain open to Your prompting. We give You thanks for watching our going out and our coming in bringing us safely here to complete this final week’s work. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 7, 2009 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Griesheimer offered Senate Resolution No. 1128, regarding the Ninetieth Birthday of Ruth Hablitz, Pacific, which was adopted.

Senator Schaefer offered Senate Resolution No. 1129, regarding Douglas K. Eiken, California, which was adopted.

Senator Dempsey offered Senate Resolution No. 1130, regarding Mark Kendrick, St. Charles, which was adopted.

Senator Rupp offered Senate Resolution No. 1131, regarding Lauren Marie McKee, Wentzville, which was adopted.

Senator Rupp offered Senate Resolution No. 1132, regarding Erica Andrea' Seals, O'Fallon, which was adopted.

Senator Bray offered Senate Resolution No. 1133, regarding Korey Leigh Lewis, which was adopted.

Senator Nodler offered Senate Resolution No. 1134, regarding the One Hundred Twenty-fifth Anniversary of Community Bank and Trust, Neosho, which was adopted.

Senator McKenna offered Senate Resolution No. 1135, regarding the Thirtieth Anniversary of Jeffco Subcontracting, Incorporated, Arnold, which was adopted.

Senator Shields offered Senate Resolution No. 1136, regarding Kaleb V. Collier, Weston, which was adopted.

Senator Shields offered Senate Resolution No. 1137, regarding Cody James Turnbull, Rushville, which was adopted.

Senator Schmitt offered Senate Resolution No. 1138, regarding Tyler Coyle, which was adopted.

Senator Schmitt offered Senate Resolution No. 1139, regarding Anna Baker, Kirkwood, which was adopted.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 377**, entitled:

An Act to repeal sections 99.865, 99.1082, 99.1088, 99.1090, 99.1092, 100.286, 100.297, 100.710, 100.720, 100.750, 100.760, 100.770, 105.145, 135.155, 135.680, 147.010, 208.770, 238.207, 238.212, 238.235, 253.550, 253.559, 338.337, 393.110, 447.708, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof forty-six new sections relating to business incentives, with penalty provisions and an emergency clause for certain sections.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, and House Amendment No. 2.

**HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 1**

Amend House Amendment No. 1 to House Committee Substitute for Senate Bill No. 377, Section

135.821, Page 9, Lines 29 and 30 of said amendment, by deleting all of said lines and inserting in lieu thereof the following:

**“credit program, which remain unauthorized at the end of such statutory fiscal or calendar year for which the appropriation is made, shall expire on the last day of such year.”; and**

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 377, Section 67.2050, Page 2, Lines 12 and 13 by deleting all of said lines and inserting in lieu thereof the following:

**“improved under this section and that contains at least twenty thousand square feet of space, provided that such business facility is”; and**

Further amend said bill, Section 99.1092, Page 16, Line 51 by inserting after all of said line the following:

“99.1205. 1. This section shall be known and may be cited as the “Distressed Areas Land Assemblage Tax Credit Act”.

2. As used in this section, the following terms mean:

(1) “Acquisition costs”, the purchase price for the eligible parcel, costs of environmental assessments, closing costs, real estate brokerage fees, reasonable demolition costs of vacant structures, and reasonable maintenance costs incurred to maintain an acquired eligible parcel for a period of five years after the acquisition of such eligible parcel. Acquisition costs shall not include costs for title insurance and survey, attorney’s fees, relocation costs, fines, or bills from a municipality;

(2) “Applicant”, any person, firm, partnership, trust, limited liability company, or corporation which has:

(a) Incurred, within an eligible project area, acquisition costs for the acquisition of land sufficient to satisfy the requirements under subdivision (8) of this subsection; and

(b) Been appointed or selected, pursuant to a redevelopment agreement by a municipal authority, as a redeveloper or similar designation, under an economic incentive law, to redevelop an urban renewal area or a redevelopment area that includes all of an eligible project area or whose redevelopment plan or redevelopment area, which encompasses all of an eligible project area, has been approved or adopted under an economic incentive law. In addition to being designated the redeveloper, the applicant shall have been designated to receive economic incentives only after the municipal authority has considered the amount of the tax credits in adopting such economic incentives as provided in subsection 8 of this section. The redevelopment agreement shall provide that:

a. The funds generated through the use or sale of the tax credits issued under this section shall be used to redevelop the eligible project area;

b. No more than seventy-five percent of the urban renewal area identified in the urban renewal plan or the redevelopment area identified in the redevelopment plan may be redeveloped by the applicant; and

c. The remainder of the urban renewal area or the redevelopment area shall be redeveloped by co-redevelopers or redevelopers to whom the applicant has assigned its redevelopment rights and obligations under the urban renewal plan or the redevelopment plan;

(3) “Certificate”, a tax credit certificate issued under this section;



(4) “Condemnation proceedings”, any action taken by, or on behalf of, an applicant to initiate an action in a court of competent jurisdiction to use the power of eminent domain to acquire a parcel within the eligible project area. Condemnation proceedings shall include any and all actions taken after the submission of a notice of intended acquisition to an owner of a parcel within the eligible project area by a municipal authority or any other person or entity under section 523.250, RSMo;

(5) “Department”, the Missouri department of economic development;

(6) “Economic incentive laws”, any provision of Missouri law pursuant to which economic incentives are provided to redevelopers of a parcel or parcels to redevelop the land, such as tax abatement or payments in lieu of taxes, or redevelopment plans or redevelopment projects approved or adopted which include the use of economic incentives to redevelop the land. Economic incentive laws include, but are not limited to, the land clearance for redevelopment authority law under sections 99.300 to 99.660, the real property tax increment allocation redevelopment act under sections 99.800 to 99.865, the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.1060, and the downtown revitalization preservation program under sections 99.1080 to 99.1092;

(7) “Eligible parcel”, a parcel:

(a) Which is located within an eligible project area;

(b) Which is to be redeveloped;

(c) On which the applicant has not commenced construction prior to November 28, 2007;

(d) Which has been acquired without the commencement of any condemnation proceedings with respect to such parcel brought by or on behalf of the applicant. Any parcel acquired by the applicant from a municipal authority shall not constitute an eligible parcel; and

(e) On which all outstanding taxes, fines, and bills levied by municipal governments that were levied by the municipality during the time period that the applicant held title to the eligible parcel have been paid in full;

(8) “Eligible project area”, an area which shall have satisfied the following requirements:

(a) The eligible project area shall consist of at least seventy-five acres and may include parcels within its boundaries that do not constitute an eligible parcel;

(b) At least eighty percent of the eligible project area shall be located within a Missouri qualified census tract area, as designated by the United States Department of Housing and Urban Development under 26 U.S.C. Section 42, or within a distressed community as that term is defined in section 135.530, RSMo;

(c) The eligible parcels acquired by the applicant within the eligible project area shall total at least fifty acres, which may consist of contiguous and noncontiguous parcels;

(d) The average number of parcels per acre in an eligible project area shall be four or more;

(e) Less than five percent of the acreage within the boundaries of the eligible project area shall consist of owner-occupied residences which the applicant has identified for acquisition under the urban renewal plan or the redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section on the date of the approval or adoption of such plan;

(9) “Interest costs”, interest, loan fees, and closing costs. Interest costs shall not include attorney’s fees;

(10) “Maintenance costs”, costs of boarding up and securing vacant structures, costs of removing trash, and costs of cutting grass and weeds;

(11) “Municipal authority”, any city, town, village, county, public body corporate and politic, political subdivision, or land trust of this state established and authorized to own land within the state;

(12) “Municipality”, any city, town, village, or county;

(13) “Parcel”, a single lot or tract of land, and the improvements thereon, owned by, or recorded as the property of, one or more persons or entities;

(14) “Redeveloped”, the process of undertaking and carrying out a redevelopment plan or urban renewal plan pursuant to which the conditions which provided the basis for an eligible project area to be included in a redevelopment plan or urban renewal plan are to be reduced or eliminated by redevelopment or rehabilitation; and

(15) “Redevelopment agreement”, the redevelopment agreement or similar agreement into which the applicant entered with a municipal authority and which is the agreement for the implementation of the urban renewal plan or redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section; and such appointment or selection shall have been approved by an ordinance of the governing body of the municipality, or municipalities, or in the case of any city not within a county, the board of aldermen, in which the eligible project area is located. The redevelopment agreement shall include a time line for redevelopment of the eligible project area. The redevelopment agreement shall state that the named developer shall be subject to the provisions of chapter 290, RSMo.

3. Any applicant shall be entitled to a tax credit against the taxes imposed under chapters 143, 147, and 148, RSMo, except for sections 143.191 to 143.265, RSMo, in an amount equal to fifty percent of the acquisition costs, and one hundred percent of the interest costs incurred for a period of five years after the acquisition of an eligible parcel. No tax credits shall be issued under this section until after January 1, 2008.

4. If the amount of such tax credit exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148, RSMo, for the succeeding six years, or until the full credit is used, whichever occurs first. The applicant shall not be entitled to a tax credit for taxes imposed under sections 143.191 to 143.265, RSMo. Applicants entitled to receive such tax credits may transfer, sell, or assign the tax credits. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

5. A purchaser, transferee, or assignee of the tax credits authorized under this section may use acquired tax credits to offset up to one hundred percent of the tax liabilities otherwise imposed under chapters 143, 147, and 148, RSMo, except for sections 143.191 to 143.265, RSMo. A seller, transferor, or assignor shall perfect such transfer by notifying the department in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department to administer and carry out the provisions of this section.

6. To claim tax credits authorized under this section, an applicant shall submit to the department an application for a certificate. An applicant shall identify the boundaries of the eligible project area in the application. The department shall verify that the applicant has submitted a valid application in the form and format required by the department. The department shall verify that the municipal authority held the requisite hearings and gave the requisite notices for such hearings in accordance with the applicable economic incentive act, and municipal ordinances. On an annual basis, an applicant may file for the tax credit for the acquisition costs, and for the tax credit for the interest costs, subject to the limitations of this section. If an applicant applying for the tax credit meets the criteria required under this section, the department shall issue a certificate in the appropriate amount. If an applicant receives a tax credit for maintenance costs as a part of the applicant's acquisition costs, the department shall post on its Internet web site the amount and type of maintenance costs and a description of the redevelopment project for which the applicant received a tax credit within thirty days after the department issues the certificate to the applicant.

7. The total aggregate amount of tax credits authorized under this section shall not exceed ninety-five million dollars. At no time shall the annual amount of the tax credits issued under this section exceed [ten] **twenty** million dollars. If the tax credits that are to be issued under this section exceed, in any year, the [ten] **twenty** million dollar limitation, the department shall either:

(1) Issue tax credits to the applicant in the amount of [ten] **twenty** million dollars, if there is only one applicant entitled to receive tax credits in that year; or

(2) Issue the tax credits on a pro rata basis to all applicants entitled to receive tax credits in that year. Any amount of tax credits, which an applicant is, or applicants are, entitled to receive on an annual basis and are not issued due to the [ten] **twenty** million dollar limitation, shall be carried forward for the benefit of the applicant or applicants to subsequent years. No tax credits provided under this section shall be authorized after August 28, 2013. Any tax credits which have been authorized on or before August 28, 2013, but not issued, may be issued, subject to the limitations provided under this subsection, until all such authorized tax credits have been issued.

8. Upon issuance of any tax credits pursuant to this section, the department shall report to the municipal authority the applicant's name and address, the parcel numbers of the eligible parcels for which the tax credits were issued, the itemized acquisition costs and interest costs for which tax credits were issued, and the total value of the tax credits issued. The municipal authority and the state shall not consider the amount of the tax credits as an applicant's cost, but shall include the tax credits in any sources and uses and cost benefit analysis reviewed or created for the purpose of awarding other economic incentives. The amount of the tax credits shall not be considered an applicant's cost in the evaluation of the amount of any award of any other economic incentives, but shall be considered in measuring the reasonableness of the rate of return to the applicant with respect to such award of other economic incentives. The municipal authority shall provide the report to any relevant commission, board, or entity responsible for the evaluation and recommendation or approval of other economic incentives to assist in the redevelopment of the eligible project area. Tax credits authorized under this section shall constitute redevelopment tax credits, as such term is defined under section 135.800 RSMo, and shall be subject to all provisions applicable to redevelopment tax credits provided under sections 135.800 to 135.830 RSMo.

9. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter

536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend said bill, Section 135.680, Page 31, Line 143 by inserting after all of said line the following:

“135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the “Tax Credit Accountability Act of 2004”.

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) “Administering agency”, the state agency or department charged with administering a particular tax credit program, as set forth by the program’s enacting statute; where no department or agency is set forth, the department of revenue;

(2) “Agricultural tax credits”, the agricultural product utilization contributor tax credit created pursuant to section 348.430, RSMo, the new generation cooperative incentive tax credit created pursuant to section 348.432, RSMo, the family farm breeding livestock loan tax credit created under section 348.505, RSMo, the qualified beef tax credit created under section 135.679, and the wine and grape production tax credit created pursuant to section 135.700;

(3) “All tax credit programs”, or **“Any tax credit program”**, the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, **financial and insurance tax credits**, housing tax credits, redevelopment tax credits, and training and educational tax credits;

(4) “Business recruitment tax credits”, the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant to sections 100.700 to 100.850, RSMo, the development tax credits created pursuant to sections 32.100 to 32.125, RSMo, the rebuilding communities tax credit created pursuant to section 135.535, [and] the film production tax credit created pursuant to section 135.750, **the enhanced enterprise zone created pursuant to sections 135.950 to 135.975, and the Missouri quality jobs program created pursuant to sections 620.1875 to 620.1900, RSMo;**

(5) “Community development tax credits”, the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, RSMo, the family development account tax credit created pursuant to sections 208.750 to 208.775, RSMo, the dry fire hydrant tax credit created pursuant to section 320.093, RSMo, and the transportation development tax credit created pursuant to section 135.545;

(6) “Domestic and social tax credits”, the youth opportunities tax credit created pursuant to section 135.460 and sections 620.1100 to 620.1103, RSMo, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit **and children in crisis tax credit** created pursuant to sections 135.325 to 135.339, the maternity home tax credit created pursuant to section 135.600, **the surviving spouse tax credit created pursuant to section 135.090, the residential treatment agency**

**tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section 135.630, the food pantry tax credit created pursuant to section 135.647, the health care access fund tax credit created pursuant to section 135.575, the residential dwelling access tax credit created pursuant to section 135.562, and the shared care tax credit created pursuant to section 660.055, RSMo;**

(7) “Entrepreneurial tax credits”, the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, RSMo, the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, RSMo, the **qualified small and start-up business** research tax credit created pursuant to section 620.1039, RSMo, **the research tax credit created pursuant to section 620.1041, RSMo**, the small business incubator tax credit created pursuant to section 620.495, RSMo, the guarantee fee tax credit created pursuant to section 135.766, **the angel tax credit created pursuant to sections 348.273 to 348.274, RSMo**, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125, RSMo;

(8) “Environmental tax credits”, the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, **and the alternative fuel stations tax credit created pursuant to section 135.710;**

(9) “Financial and Insurance tax credits”, the bank franchise tax credit created pursuant to section 148.030, RSMo, the bank tax credit for S corporations created pursuant to section 143.471, RSMo, the exam fee tax credit created pursuant to section 148.400, RSMo, the health insurance pool tax credit created pursuant to section 376.975, RSMo, the life and health insurance guaranty tax credit created pursuant to section 376.745, RSMo, the property and casualty guaranty tax credit created pursuant to section 375.774, RSMo, and the self-employed health insurance tax credit created pursuant to section 143.119, RSMo;

(10) “Housing tax credits”, the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125, RSMo;

[(10)] (11) “Recipient”, the individual or entity who is the original applicant for and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting requirements established in section 135.805;

[(11)] (12) “Redevelopment tax credits”, the historic preservation tax credit created pursuant to sections 253.545 to 253.561, RSMo, the brownfield redevelopment program tax credit created pursuant to sections 447.700 to 447.718, RSMo, the community development corporations tax credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section 100.286, RSMo, the bond guarantee tax credit created pursuant to section 100.297, RSMo, [and] the disabled access tax credit created pursuant to section 135.490, **the new markets tax credit created pursuant to section 135.680, and the distressed areas land assemblage tax credit created pursuant to section 99.1205, RSMo;**

[(12)] (13) “Training and educational tax credits”, the community college new jobs tax credit created pursuant to sections 178.892 to 178.896, RSMo.

135.802. 1. Beginning January 1, 2005, all applications for all tax credit programs shall include, in

addition to any requirements provided by the enacting statutes of a particular credit program, the following information to be submitted to the department administering the tax credit:

(1) Name, address, and phone number of the applicant or applicants, and the name, address, and phone number of a contact person or agent for the applicant or applicants;

(2) Taxpayer type, whether individual, corporation, nonprofit or other, and taxpayer identification number, if applicable;

(3) Standard industry code, if applicable; [and]

(4) Program name and type of tax credit, including the identity of any other state or federal program being utilized for the same activity or project; **and**

**(5) Number of estimated jobs to be created, as a result of the tax credits, separated by construction, part-time permanent, and full-time permanent except for domestic and social tax credits and financial and insurance tax credits.**

2. In addition to the information required by subsection 1 of this section, an applicant for a community development tax credit shall also provide information detailing the title and location of the corresponding project, the estimated time period for completion of the project, and all geographic areas impacted by the project.

3. In addition to the information required by subsection 1 of this section, an applicant for a redevelopment tax credit shall also provide information detailing the location and legal description of the property, age of the structure, if applicable, whether the property is residential, commercial, or governmental, and the projected project cost, labor cost, and projected date of completion. Where a redevelopment tax credit applicant is required to submit contemporaneously a federal application for a similar credit on the same underlying project, the submission of a copy of the federal application shall be sufficient to meet the requirements of this subsection.

4. In addition to the information required by subsection 1 of this section, an applicant for a business recruitment tax credit shall also provide information detailing the category of business by size, the address of the business headquarters and all offices located within this state, the number of employees at the time of the application, the number of employees projected to increase as a result of the completion of the project, and the estimated project cost.

5. In addition to the information required by subsection 1 of this section, an applicant for a training and educational tax credit shall also provide information detailing the name and address of the educational institution to be used, the average salary of workers to be served, the estimated project cost, and the number of employees and number of students to be served.

6. In addition to the information required by subsection 1 of this section, an applicant for a housing tax credit also shall provide information detailing the address, legal description, and fair market value of the property, and the projected labor cost and projected completion date of the project. Where a housing tax credit applicant is required to submit contemporaneously a federal application for a similar credit on the same underlying project, the submission of a copy of the federal application shall be sufficient to meet the requirements of this subsection. For the purposes of this subsection, “fair market value” means the value as of the purchase of the property or the most recent assessment, whichever is more recent.

7. In addition to the information required by subsection 1 of this section, an applicant for an

entrepreneurial tax credit shall also provide information detailing the amount of investment and the names of the project, fund, and research project.

8. In addition to the information required by subsection 1 of this section, an applicant for an agricultural tax credit shall also provide information detailing the type of agricultural commodity, the amount of contribution, the type of equipment purchased, and the name and description of the facility.

9. In addition to the information required by subsection 1 of this section, an applicant for an environmental tax credit shall also include information detailing the type of equipment, if applicable, purchased and any environmental impact statement, if required by state or federal law.

10. An administering agency may, by rule, require additional information to be submitted by an applicant. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be void.

11. Where the sole requirement for receiving a tax credit in the enabling legislation of any tax credit is an obligatory assessment upon a taxpayer or a monetary contribution to a particular group or entity, the application requirements provided in this section shall apply to the recipient of such assessment or contribution and shall not apply to the assessed nor the contributor.

12. It shall be the duty of each administering agency to provide information to every applicant, at some time prior to authorization of an applicant's tax credit application, wherein the requirements of this section, the annual reporting requirements of section 135.805, and the penalty provisions of section 135.810 are described in detail.

**135.805. 1. A recipient of any tax credit program, except domestic and social tax credits, environmental tax credits, or financial and insurance tax credits, shall annually, for a period of three years following the issuance of the tax credits, provide to the administering agency the actual number of jobs created as a result of the tax credits, at the location on the last day of the annual reporting period, separated by part-time permanent and full-time permanent for each month of the preceding twelve month period.**

**2.** A recipient of a community development tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the title and location of the corresponding project, the estimated or actual time period for completion of the project, and all geographic areas impacted by the project.

[2.] **3.** A recipient of a redevelopment tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming whether the property is used for residential, commercial, or governmental purposes, and the projected or actual project cost, labor cost, and date of completion.

[3.] **4.** A recipient of a business recruitment tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the category of business by size, the address of the business headquarters and all offices located within this state, the

number of employees at the time of the annual update, an updated estimate of the number of employees projected to increase as a result of the completion of the project, and the estimated or actual project cost.

[4.] **5.** A recipient of a training and educational tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the name and address of the educational institution used, the average salary of workers served as of such annual update, the estimated or actual project cost, and the number of employees and number of students served as of such annual update.

[5.] **6.** A recipient of a housing tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the address of the property, the fair market value of the property, as defined in subsection 6 of section 135.802, and the projected or actual labor cost and completion date of the project.

[6.] **7.** A recipient of an entrepreneurial tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the amount of investment and the names of the project, fund, and research project.

[7.] **8.** A recipient of an agricultural tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the type of agricultural commodity, the amount of contribution, the type of equipment purchased, and the name and description of the facility, except that if the agricultural credit is issued as a result of a producer member investing in a new generation processing entity or new generation cooperative then the new generation processing entity or new generation cooperative, and not the recipient, shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information confirming the type of agricultural commodity, the amount of contribution, the type of equipment purchased, and the name and description of the facility.

[8.] **9.** A recipient of an environmental tax credit shall annually, for a period of three years following issuance of tax credits, provide to the administering agency information detailing any change to the type of equipment purchased, if applicable, and any change to any environmental impact statement, if such statement is required by state or federal law.

[9.] **10.** The reporting requirements established in this section shall be due annually on June thirtieth of each year. No person or entity shall be required to make an annual report until at least one year after the credit issuance date.

[10.] **11.** Where the sole requirement for receiving a tax credit in the enabling legislation of any tax credit is an obligatory assessment upon a taxpayer or a monetary contribution to a particular group or entity, the reporting requirements provided in this section shall apply to the recipient of such assessment or contribution and shall not apply to the assessed nor the contributor.

[11.] **12.** Where the enacting statutes of a particular tax credit program or the rules of a particular administering agency require reporting of information that includes the information required in sections 135.802 to 135.810, upon reporting of the required information, the applicant shall be deemed to be in compliance with the requirements of sections 135.802 to 135.810. The administering agency shall notify in writing the department of economic development of the administering agency's status as custodian of any particular tax credit program and that all records pertaining to the program are available at the administering agency's office for review by the department of economic development.



[12.] **13.** The provisions of subsections 1 to 10 of this section shall apply beginning on June 30, 2005.

[13.] **14.** Notwithstanding provisions of law to the contrary, every agency of this state charged with administering a tax credit program authorized under the laws of this state shall make available for public inspection the name of each tax credit recipient and the amount of tax credits issued to each such recipient.

**15.** The department of economic development shall make all information provided under the provisions of this section available for public inspection on the department's website and the Missouri Accountability Portal.

**16.** The administering agency of any tax credit program for which reporting requirements are required under the provisions of subsection 1 of this section shall publish guidelines and may promulgate rules to implement the provisions of such subsection. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

**135.821.** Provisions of law to the contrary notwithstanding, a statutory fiscal, or calendar, year limitation on the amount of tax credits which may be authorized or issued for any tax credit program may be exceeded by passage and approval of a supplemental appropriation allocating a specific dollar amount of tax credits in excess of such limit. Allocations of tax credits in excess of the statutory limit of a tax credit program, which remain unauthorized at the end of the fiscal year for which the appropriation is made, shall expire on the thirtieth day of June of such fiscal year.

135.903. 1. To qualify as a rural empowerment zone, an area shall meet all the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress;

(2) At least sixty-five percent of the population has earned income below eighty percent of the median income of all residents within the state according to the last decennial census or other appropriate source as approved by the director;

(3) The population of the area is at least four hundred but not more than three thousand five hundred at the time of designation as a rural empowerment zone;

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than fifty percent of the statewide percentage of residents employed on a full-time basis;

(5) The area is situated more than ten miles from any existing rural empowerment zone;

(6) The area is situated in [a county of the third classification without a township form of government and with more than eight thousand nine hundred twenty-five but less than nine thousand twenty-five] **any county with eighteen thousand or fewer inhabitants;** and

(7) The area is not situated in an existing enterprise zone.

2. The governing body of any county in which an area may be designated a rural empowerment zone shall submit to the department an application showing that the area complies with the requirements of subsection 1 of this section. The department shall declare the area a rural empowerment zone if upon investigation the department finds that the area meets the requirements of subsection 1 of this section. If the area is found not to meet the requirements, the governing body shall have the opportunity to submit another application for designation as a rural empowerment zone and the department shall designate the area a rural empowerment zone if upon investigation the department finds that the area meets the requirements of subsection 1 of this section.

3. There shall be no more than [two] **one** rural empowerment [zones] **zone per county** as created under sections 135.900 to 135.906 in existence at any time.”; and

Further amend said bill, Section 144.022, Page 32, Lines 1 to 5 by deleting all of said section from bill; and

Further amend said bill, Section 144.055, Page 33, Lines 7 to 9 by deleting all of said lines and inserting in lieu thereof the following: “**square feet of space.**”; and

Further amend said bill, Sections 253.550 and 253.559, Pages 43 to 47, by striking all of said sections from bill and inserting in lieu thereof the following:

“253.545. As used in sections 253.545 to 253.559, the following terms mean, unless the context requires otherwise:

(1) “Certified historic structure”, a property located in Missouri and listed individually on the National Register of Historic Places;

(2) “**Deed in lieu of foreclosure or voluntary conveyance**”, a transfer of title from a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;

(3) “Eligible property”, property located in Missouri and offered or used for residential or business purposes;

[(3)] (4) “**Principal**”, a managing partner, general partner, or president of a taxpayer;

(5) “Structure in a certified historic district”, a structure located in Missouri which is certified by the department of natural resources as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places, or a local district that has been certified by the United States Department of the Interior;

(6) “**Taxpayer**”, any person, firm, partnership, trust, estate, or corporation.

253.550. 1. Any [person, firm, partnership, trust, estate, or corporation] **taxpayer** incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, [shall be entitled to] **may, subject to the limitations provided in subsections 2 and 3 of this section, receive** a credit against the taxes imposed pursuant to chapters 143 and 148, RSMo, except for sections 143.191 to 143.265, RSMo, on [that person or entity] **such taxpayer** in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder,

provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

**2. Beginning with all preliminary applications submitted in fiscal year 2010, for rehabilitations of eligible property with total costs and expenditures of rehabilitation greater than one million dollars, the total amount of tax credits for which the department of economic development shall grant preliminary approval in any fiscal year shall not exceed one hundred fifty million dollars plus any amount of tax credits for which preliminary approval shall be rescinded under the provisions of section 253.559.**

**3. For all tax credits authorized on or after the thirtieth day following the effective date of this act, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is offered or used for residential purposes, is a certified historic structure or a structure in a certified historic district, is not an income producing property, and which is occupied by the taxpayer.**

**4. The limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of this section shall not apply to any taxpayer applying for tax credits, provided under this section, for rehabilitations of eligible property with total costs less than or equal to one million dollars or which, on or before the thirtieth day following the effective date of this act:**

**(1) Has incurred rehabilitation costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars; or**

**(2) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.**

253.559. 1. [To claim the credit authorized pursuant to sections 253.550 to 253.561 of senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and section 253.557 of this act, the] **To obtain preliminary approval for tax credits allowed under sections 253.545 to 253.559, a taxpayer shall [apply] submit a preliminary application for tax credits to the department of economic development [which, in consultation with the department of natural resources, shall]. Each preliminary application for approval shall be prioritized for review and approval in the order of the date on which the preliminary application was postmarked, with the oldest postmarked date receiving priority. Preliminary applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed for preliminary approval.**

**2. Each preliminary application shall be reviewed by the department of economic development for approval. In order to receive approval, an application shall include:**

**(a) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the property, such as a warranty deed or a closing statement. If the taxpayer is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the property. If an application is submitted by someone other than the current or pending fee simple owners, the application shall be accompanied by a**

written statement from the fee simple owner indicating that they are aware of the application and have no objection to the request for certification;

(b) Floor plans of the existing structure, certified architectural plans, and, where applicable, plans of the proposed alterations to the structure, as well as proposed additions;

(c) The estimated cost of rehabilitation, the anticipated total costs of the project, the actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total labor costs, the estimated project start date, and the estimated project completion date;

(d) Proof that the property qualifies as an eligible property and shall qualify as a certified historic structure or as a structure in a certified historic district; and

(e) Any other information which the department of economic development may reasonably require to review the project for approval.

Only the property for which a property address is provided in the application shall be reviewed for approval. Once selected for review, a taxpayer shall not be permitted to request the review of another property for approval in the place of the property contained in such application. Any disapproved application shall be removed from the review process. If an application is removed from the review process, the department of economic development shall notify the taxpayer in writing of the decision to remove such application. Disapproved applications shall lose priority in the review process. A disapproved application, which is removed from the review process, may be resubmitted, but shall be deemed to be a new submission for purposes of the priority procedures described in this section.

3. If the department of economic development deems the preliminary application sufficient, the taxpayer shall be notified in writing of the preliminary approval for an amount of tax credits equal to the amount provided under section 253.550. Such preliminary approvals shall be granted to applications in the order of priority established under this section and shall require full compliance thereafter with all other requirements of law as a condition to any claim for such credits.

4. Following preliminary approval of an application, the identity of the taxpayer contained in such application shall not be modified except:

(1) The taxpayer may add partners, members, or shareholders as part of the ownership structure, so long as the principal remains the same, provided however, that subsequent to the commencement of renovation and the expenditure of at least ten percent of the proposed rehabilitation budget, removal of the principal for failure to perform duties and the appointment of a new principal thereafter shall not constitute a change of the principal; or

(2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy.

5. In the event that the department of economic development grants preliminary approval for tax credits equal to the total amount available under subsection 2 of section 253.550, or sufficient that when totaled with all other preliminary approvals, the amount available under subsection 2 of section 253.550 is exhausted, all taxpayers with applications then awaiting preliminary approval or thereafter submitted for preliminary approval shall be notified by the department of economic development that no additional preliminary approvals shall be granted during the fiscal year. Such applications shall be kept on file by the department of economic development and shall be considered for preliminary

approval for tax credits in the order established in this section in the event that additional credits become available due to the rescission of preliminary approvals or when a new fiscal year's allocation of credits becomes available for preliminary approval.

6. All projects receiving preliminary approval, under the provisions of this section, or exempt from the limitations provided under subsections 2 and 3 section 253.550 pursuant to the provisions of subdivision (2) of subsection 4 of section 253.550 shall commence rehabilitation within two years of the date of issuance of the letter from the department of economic development granting the preliminary approval for tax credits. Commencement of rehabilitation shall mean that as of the date in which actual physical work, contemplated by the certified architectural plans submitted with the preliminary application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the preliminary application. Taxpayers with preliminary approval of a project shall submit evidence of compliance with the provisions of this subsection. If the department of economic development determines that a taxpayer has failed to comply with the requirements provided under this section, the preliminary approval for the amount of tax credits for such taxpayer shall be rescinded and such amount of tax credits shall then be included in the total amount of tax credits, provided under subsection 2 of section 253.550, from which preliminary approvals may be granted. Any taxpayer whose preliminary approval shall be subject to rescission shall be notified of such from the department of economic development and, upon receipt of such notice, may submit a new preliminary application for the project.

7. To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with preliminary approval shall apply for final approval and issuance of tax credits from the department of economic development which, in consultation with the department of natural resources, shall determine the final amount of eligible rehabilitation costs and expenses and whether the **completed** rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources. For financial institutions credits authorized pursuant to sections 253.550 to 253.561 shall be deemed to be "economic development credits" for purposes of section 148.064, RSMo. The **approval of all applications and the** issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. **The department of economic development shall inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit certificates. In no event shall the amount of the tax credit certificates exceed the amount of tax credits provided in the preliminary approval. The tax credit certificates may be issued in the final year that costs and expenses of rehabilitation of the project are incurred, or within the twelve month period immediately following the conclusion of such rehabilitation.** The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

[2.] 8. The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.”; and

Further amend said bill, Section 447.708, Page 59, Line 230 by inserting after all of said line the following:

“620.495. 1. This section shall be known as the “Small Business Incubators Act”.

2. As used in this section, unless the context clearly indicates otherwise, the following words and phrases shall mean:

(1) “Department”, the department of economic development;

(2) “Incubator”, a program in which small units of space may be leased by a tenant and in which management maintains or provides access to business development services for use by tenants or a program without infrastructure in which participants avail themselves of business development services to assist in the growth of their start-up small businesses;

(3) “Local sponsor” or “sponsor”, an organization which enters into a written agreement with the department to establish, operate and administer a small business incubator program or to provide funding to an organization which operates such a program;

(4) “Participant”, a sole proprietorship, business partnership or corporation operating a business for profit through which the owner avails himself or herself of business development services in an incubator program;

(5) “Tenant”, a sole proprietorship, business partnership or corporation operating a business for profit and leasing or otherwise occupying space in an incubator.

3. There is hereby established under the direction of the department a loan, loan guarantee and grant program for the establishment, operation and administration of small business incubators, to be known as the “Small Business Incubator Program”. A local sponsor may submit an application to the department to obtain a loan, loan guarantee or grant to establish an incubator. Each application shall:

(1) Demonstrate that a program exists that can be transformed into an incubator at a specified cost;

(2) Demonstrate the ability to directly provide or arrange for the provision of business development services for tenants and participants of the incubator. These services shall include, but need not be limited to, financial consulting assistance, management and marketing assistance, business education, and physical services;

(3) Demonstrate a potential for sustained use of the incubator program by eligible tenants and participants, through a market study or other means;

(4) Demonstrate the ability to manage and operate the incubator program;

(5) Include such other information as the department may require through its guidelines.

4. The department shall review and accept applications based on the following criteria:

(1) Ability of the local sponsor to carry out the provisions of this section;

(2) Economic impact of the incubator on the community;

(3) Conformance with areawide and local economic development plans, if such exist;

(4) Location of the incubator, in order to encourage geographic distribution of incubators across the state.

5. Loans, loan guarantees and grants shall be administered in the following manner:

(1) Loans awarded or guaranteed and grants awarded shall be used only for the acquisition and leasing of land and existing buildings, the rehabilitation of buildings or other facilities, construction of new facilities, the purchase of equipment and furnishings which are necessary for the creation and operation of the incubator, and business development services including, but not limited to, business management advising and business education;

(2) Loans, loan guarantees and grants may not exceed fifty percent of total eligible project costs;

(3) Payment of interest and principal on loans may be deferred at the discretion of the department.

6. A local sponsor, or the organization receiving assistance through the local sponsor, shall have the following responsibilities and duties in establishing and operating an incubator with assistance from the small business incubator program:

(1) Secure title on a facility for the program or a lease of a facility for the program;

(2) Manage the physical development of the incubator program, including the provision of common conference or meeting space;

(3) Furnish and equip the program to provide business services to the tenants and participants;

(4) Market the program and secure eligible tenants and participants;

(5) Provide financial consulting, marketing and management assistance services or arrange for the provision of these services for tenants and participants of the incubator, including assistance in accessing private financial markets;

(6) Set rental and service fees;

(7) Encourage the sharing of ideas between tenants and participants and otherwise aid the tenants and participants in an innovative manner while they are within the incubator;

(8) Establish policies and criteria for the acceptance of tenants and participants into the incubator and for the termination of occupancy of tenants so as to maximize the opportunity to succeed for the greatest number of tenants, consistent with those specified in this section.

7. The department:

(1) May adopt such rules, statements of policy, procedures, forms and guidelines as may be necessary for the implementation of this section;

(2) May make loans, loan guarantees and grants to local sponsors for incubators;

(3) Shall ensure that local sponsors receiving loans, loan guarantees or grants meet the conditions of this section;

(4) Shall receive and evaluate annual reports from local sponsors. Such annual reports shall include, but need not be limited to, a financial statement for the incubator, evidence that all tenants and participants in the program are eligible under the terms of this section, and a list of companies in the incubator.

8. The department of economic development is also hereby authorized to review any previous loans made under this program and, where appropriate in the department's judgment, convert such loans to grant status.

9. On or before January first of each year, the department shall provide a report to the governor, the chief clerk of the house of representatives and the secretary of the senate which shall include, but need not be limited to:

(1) The number of applications for incubators submitted to the department;

(2) The number of applications for incubators approved by the department;

(3) The number of incubators created through the small business incubator program;

(4) The number of tenants and participants engaged in each incubator;

(5) The number of jobs provided by each incubator and tenants and participant of each incubator;

(6) The occupancy rate of each incubator;

(7) The number of firms still operating in the state after leaving incubators and the number of jobs they have provided.

10. There is hereby established in the state treasury a special fund to be known as the “Missouri Small Business Incubators Fund”, which shall consist of all moneys which may be appropriated to it by the general assembly, and also any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys for loans, loan guarantees and grants under the small business incubator program may be obtained from appropriations made by the general assembly from the Missouri small business incubators fund. Any moneys remaining in the Missouri small business incubators fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, RSMo, but shall remain in the Missouri small business incubators fund.

11. For any taxable year beginning after December 31, 1989, a taxpayer, including any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, RSMo, shall be entitled to a tax credit against any tax otherwise due under the provisions of chapter 143, RSMo, or chapter 147, RSMo, or chapter 148, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, in the amount of fifty percent of any amount contributed by the taxpayer to the Missouri small business incubators fund during the taxpayer’s tax year or any contribution by the taxpayer to a local sponsor after the local sponsor’s application has been accepted and approved by the department. The tax credit allowed by this subsection shall be claimed by the taxpayer at the time he files his return and shall be applied against the income tax liability imposed by chapter 143, RSMo, or chapter 147, RSMo, or chapter 148, RSMo, after all other credits provided by law have been applied. That portion of earned tax credits which exceeds the taxpayer’s tax liability may be carried forward for up to five years. The aggregate of all tax credits authorized under this section shall not exceed [five hundred thousand] **one million** dollars in any taxable year.

12. Notwithstanding any provision of Missouri law to the contrary, any taxpayer may sell, assign, exchange, convey or otherwise transfer tax credits allowed in subsection 11 of this section under the terms and conditions prescribed in subdivisions (1) and (2) of this subsection. Such taxpayer, hereinafter the assignor for the purpose of this subsection, may sell, assign, exchange or otherwise transfer earned tax credits:

(1) For no less than seventy-five percent of the par value of such credits; and

(2) In an amount not to exceed one hundred percent of annual earned credits.

The taxpayer acquiring earned credits, hereinafter the assignee for the purpose of this subsection, may use the acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed by chapter 143, RSMo, or chapter 147, RSMo, or chapter 148, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo. Unused credits in the hands of the assignee may be carried forward for up to five years. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the department of economic development in writing within thirty calendar days following the effective day of the transfer and shall



provide any information as may be required by the department of economic development to administer and carry out the provisions of this section. The director of the department of economic development shall prescribe the method for submitting applications for claiming the tax credit allowed under subsection 11 of this section and shall, if the application is approved, certify to the director of revenue that the taxpayer claiming the credit has satisfied all the requirements specified in this section and is eligible to claim the credit.”; and

Further amend said bill, Section 620.1895, Page 76, Line 22 by deleting the word “**Half**” and inserting in lieu thereof the following: “**An amount approved by the department of economic development not to exceed half**”; and

Further amend said section, Page 77, Line 38 by deleting the phrase “**Up to one hundred**” and inserting in lieu thereof the following:

“**An amount approved by the department of economic development not to exceed fifty**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 377, Sections 99.1082 and 99.1088, Pages 6 to 12 by deleting all of said sections from bill; and

Further amend said bill, Section 99.1090, Page 13, Line 13 by deleting the word “**development**” and inserting in lieu thereof the word “**redevelopment**”; and

Further amend said page, Line 25 by deleting the words “**and state income tax increment**”; and

Further amend said page, Line 34 by deleting the words “**and state income tax increment**”; and

Further amend said bill, Section 99.1092, Page 16, Line 38 by deleting the words “**or income tax withholdings under chapter 143, RSMo,**”; and

Further amend said page, Line 42 by deleting the words, “**withholding or**”; and

Further amend said bill, Section 100.286, Page 19, Lines 90 to 92 by deleting all of said lines and inserting in lieu thereof the following:

“**administration, the director of the department of economic development, and the director of the department of revenue that such**”; and

Further amend said page, Lines 103 to 106 by deleting all of said lines from bill; and

Further amend said bill, Section 100.297, Page 19 to 21, Lines 1 to 52 by deleting all of said section from bill; and

Further amend said bill, Section 100.710, Page 22, Line 54 by deleting the words “**three hundred fifty**” and inserting in lieu thereof the words “**one hundred**”; and

Further amend said bill, Section 100.720 and 100.750, Pages 24 and 25 by deleting all of said sections from bill; and

Further amend said bill, Section 100.770, Page 26, Line 13 by inserting after all of said line the following:

“100.850. 1. The approved company shall remit to the board a job development assessment fee, not

to exceed five percent of the gross wages of each eligible employee whose job was created as a result of the economic development project, or not to exceed ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo, for the purpose of retiring bonds which fund the economic development project.

2. Any approved company remitting an assessment as provided in subsection 1 of this section shall make its payroll books and records available to the board at such reasonable times as the board shall request and shall file with the board documentation respecting the assessment as the board may require.

3. Any assessment remitted pursuant to subsection 1 of this section shall cease on the date the bonds are retired.

4. Any approved company which has paid an assessment for debt reduction shall be allowed a tax credit equal to the amount of the assessment. The tax credit may be claimed against taxes otherwise imposed by chapters 143 and 148, RSMo, except withholding taxes imposed under the provisions of sections 143.191 to 143.265, RSMo, which were incurred during the tax period in which the assessment was made.

5. In no event shall the aggregate amount of tax credits authorized by subsection 4 of this section exceed [fifteen] **twenty six** million dollars annually. Of such amount, nine hundred fifty thousand dollars shall be reserved for an approved project for a world headquarters of a business whose primary function is tax return preparation that is located in any home rule city with more than four hundred thousand inhabitants and located in more than one county, which amount reserved shall end in the year of the final maturity of the certificates issued for such approved project.

6. The director of revenue shall issue a refund to the approved company to the extent that the amount of credits allowed in subsection 4 of this section exceeds the amount of the approved company's income tax."; and

Further amend said bill, Section 105.145, Page 27, Line 32 by deleting the words "**five hundred**" and inserting in lieu thereof the following: "**fifty**"; and

Further amend section and page, Line 33 by inserting after all of said line the following:

**"108.1000. 1. As used in sections 108.1000 through 108.1020, the following terms mean:**

**(1) "Build America bonds", any bonds designated build America bonds pursuant to Section 54AA of the Internal Revenue Code of 1986, as amended;**

**(2) "Recovery zone bonds", any recovery zone economic development bonds or recovery zone facility bonds that are allocated pursuant to Section 1400U-1 of the Internal Revenue Code of 1986, as amended;**

**(3) "Department", the department of economic development;**

**(4) "Board", the Missouri development finance board.**

**2. The board may at any time issue build America bonds and recovery zone bonds for the purpose of paying any part of the cost of financing any qualifying project or projects, or part thereof, and for the purpose of purchasing any debt related to such project. All bonds issued pursuant to this subsection shall be subject to section 100.275. The board shall have all necessary power to carry out the provisions of sections 108.1000 through 108.1020.**

**3. Any development agency, as defined in section 100.255, state board, state commission or other**

body corporate and politic of the state that is authorized to issue bonds under the constitution and laws of this state shall have the power to designate any such bonds as build America bonds and recovery zone bonds subject to the provisions of law governing the issuance of such bonds. Use of the proceeds of such bonds and the sources of repayment of such bonds shall be as provided in the provisions of law governing such bonds.

4. The issuance of build America bonds or recovery zone bonds may be combined with any other economic development program offered by the state.

5. The board may buy, sell, and broker federal tax credits issued in connection with build America bonds or recovery zone bonds.

**108.1010. 1.** The department shall allocate recovery zone bonds to counties and large municipalities in accordance with Section 1400U-1 of the Internal Revenue Code of 1986, as amended, and shall provide notice of such allocation to each county and large municipality. A county or large municipality may waive any allocation of recovery zone bonds at any time by giving written notice to the department. Each allocation shall be deemed waived by the county or large municipality on the 60<sup>th</sup> day following the date notice was provided, except to the extent the county or large municipality has advised the department in writing of its intent to issue recovery zone bonds and the amount and type to be issued. The county or large municipality shall notify the department in writing of the issuance of recovery zone bonds. The county or large municipality shall be deemed to have waived any allocation of recovery zone bonds if such bonds are not issued prior to October 1 of each year.

2. All allocations, or portions of allocations, of recovery zone bonds waived under subsection 1 shall be subject to reallocation solely by the department to any eligible development agency in the state.

3. Any county or large municipality desiring to obtain a reallocation from the department under subsection 2 shall first waive all of its allocation under subsection 1. In the event a county or large municipality elects not to waive all of its allocation under subsection 1, such county or large municipality shall not be eligible for any reallocation by the department under subsection 2.

**108.1020.** Build America bonds and any recovery zone bonds issued by the state of Missouri or an entity described in section 108.1000.3 and the interest thereon shall be exempt from all taxation by the state of Missouri and its political subdivisions.”; and

Further amend said bill, Section 135.155, Page 27, Lines 1 to 6 by deleting all of said section and inserting in lieu thereof the following:

“135.155. 1. Notwithstanding any provision of the law to the contrary, no revenue-producing enterprise other than headquarters as defined in subsection 10 of section 135.110 shall receive the incentives set forth in sections 135.100 to 135.150 for facilities commencing operations on or after January 1, 2005. No headquarters shall receive the incentives set forth in subsections 9 to 14 of section 135.110 for facilities commencing or expanding operations on or after January 1, 2020.

2. Notwithstanding subsection 9 of section 135.110 to the contrary, expansions at headquarters facilities shall each be considered a separate new business facility and each be entitled to the credits as set forth in subsections 9 to 14 of section 135.110 if the number of new business facility employees attributed to each such expansion is at least twenty-five and the amount of new business facility investment attributed to each such expansion is at least one million dollars. In any year in which a

new business facility is not created, the jobs and investment for that year shall be included in calculating the credits for the most recent new business facility and not an earlier created new business facility.

**3. Notwithstanding any provision of law to the contrary, for headquarters, buildings on multiple noncontiguous real properties shall be considered one facility if the buildings are located within the same county or within the same municipality.”; and**

Further amend said bill, Section 147.010, Page 34, Line 30 by deleting the word “**ten**” and inserting in lieu thereof the word “**nine**”; and

Further amend said page, Line 31 by deleting the word “**ten**” and inserting in lieu thereof the word “**nine**”; and

Further amend said bill, Section 238.207, Page 37, Line 58 by deleting the words “**and estimated interest charges**”; and

Further amend said bill, Section 238.212, Pages 38 to 39, Lines 1 to 33 by deleting all of said section from bill; and

Further amend said bill, Section 238.235, Page 41, Line 74 by inserting an open bracket “[“ before the word “transportation” and;

Further amend said page, Line 75 by deleting all of said line and inserting in lieu thereof the following: “**district] department of revenue.**”; and

Further amend said page, Line 80 by inserting before the word “**taxes**” the word “**sales**”; and

Further amend said section, Pages 42 and 43, Lines 112 to 137 by striking all of said lines from said bill and inserting in lieu thereof the following:

“5. [All sales taxes collected by the transportation development district shall be deposited by the transportation development district in a special fund to be expended for the purposes authorized in this section. The transportation development district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.] **All sales taxes collected by the director of revenue pursuant to this section on behalf of any transportation development district, less one percent for the cost of collection, which shall be deposited in the state’s general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the state treasury to the credit of the “Transportation Development District Sales Tax Fund”. Moneys in the transportation development district sales tax fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. All interest earned upon the balance in the transportation development district sales tax fund shall be deposited to the credit of the same fund. Any balance in the fund at the end of an appropriation period shall not be transferred to the general revenue fund and the provisions of section 33.080, RSMo, shall not apply to the fund. The director of revenue shall keep accurate records of the amount of money which was collected in each transportation development district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in such fund during the preceding month to the proper transportation development district.**

**6. The director of revenue may authorize the state treasurer to make refunds from the amounts credited to any transportation development district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any transportation development district repeals the tax authorized by this section, the transportation development district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by this section in such transportation development district, the director of revenue shall remit the balance in the account to the transportation development district and close the account of that transportation development district. The director of revenue shall notify each transportation development district of each instance of any amount refunded or any check redeemed from receipts due the transportation development district.**

[6.] **7. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.**

**(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.”; and**

Further amend said bill, Section 620.1039, Pages 59 to 61, Lines 1 to 78 by striking all of said section and inserting in lieu thereof the following:

**“620.1039. 1. As used in this section, the term “taxpayer” means an individual, a partnership, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, RSMo, or a corporation as described in section 143.441 or 143.471, RSMo, or section 148.370, RSMo, and the term “qualified research expenses” has the same meaning as prescribed in 26 U.S.C. 41. The term “taxpayer” shall not include any individual, partnership, or charitable organization which receives tax credits under the provisions of section 620.1041.**

2. For tax years beginning on or after January 1, 2001, the director of the department of economic development may authorize a taxpayer to receive a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in an amount up to [six and one-half] **ten** percent of the [excess] **amount** of the taxpayer's qualified research expenses, as certified by the director of the department of economic development, within this state during the taxable year [over the average of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years; except that, no tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years], **or in the case of qualified research expenses incurred in a distressed community as defined under section 135.530, RSMo, in an amount equal to twenty-five percent of the amount of the qualified research expenses. In order to receive tax credits provided under this section, a taxpayer shall:**

**(1) Employ no more than two hundred twenty-five employees, with at least seventy-five percent of such employees based within the state; and**

**(2) Be engaged on a for-profit basis in the development of medical instruments and devices, medical diagnostics or therapeutics, plant science products, pharmaceutical, or veterinary products with agricultural applications.**

3. The director of economic development shall prescribe the manner in which the tax credit may be applied for. The tax credit authorized by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that becomes due in the tax year during which such qualified research expenses were incurred. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years or until the full credit has been claimed, whichever first occurs. The application for tax credits authorized by the director pursuant to subsection 2 of this section shall be made no later than the end of the taxpayer's tax period immediately following the tax period for which the credits are being claimed.

4. Certificates of tax credit issued pursuant to this section may be transferred, sold or assigned by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credit transferred. The director of economic development may allow a taxpayer to transfer, sell or assign up to forty percent of the amount of the certificates of tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year commencing on or after January 1, [1996] **2010**, and ending not later than December 31, [1999] **2016**. Such taxpayer shall file, by December 31, [2001] **2018**, an application with the department which names the transferee, the amount of tax credit desired to be transferred, and a certification that the funds received by the applicant as a result of the transfer, sale or assignment of the tax credit shall be expended within three years at the state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer and the state university. Failure to expend such funds in the manner prescribed pursuant to this section shall cause the applicant to be subject to the provisions of section 620.017.

5. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section

shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. [The aggregate of all tax credits authorized pursuant to this section shall not exceed nine million seven hundred thousand dollars in any year

7. For all tax years beginning on or after January 1, 2005, no tax credits shall be approved, awarded, or issued to any person or entity claiming any tax credit under this section.] **The total amount of tax credits provided under this section, which may be authorized in fiscal year 2010 and each fiscal year thereafter, shall not exceed three million dollars. No tax credits provided under the provisions of this section shall be authorized after June 30, 2015. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to June 30, 2015, or a taxpayer's ability to redeem such tax credits.**

7. For fiscal year 2010 and each fiscal year thereafter, no less than two million dollars in tax credits shall be made available for qualified research expenses incurred in a distressed community. No more than five hundred thousand dollars in tax credits shall be issued annually under this section to any taxpayer for qualified research expenses, unless such research expenses are incurred by a taxpayer in a distressed area, in which case no more than one million dollars in tax credits may be issued to such taxpayer annually. No taxpayer shall simultaneously receive tax credits under the provisions of this section and section 620.1041.

8. Authorization for all or a part of the tax credits reserved for expenses incurred in a distressed community, under the provisions of subsection 7 of this section, shall not restrict eligibility of a taxpayer to receive remaining credits for other qualified research expenses incurred in a distressed community.

**620.1041. 1. As used in this section, the term "taxpayer" means an individual, a partnership, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, RSMo, or a corporation as described in section 143.441 or 143.471, RSMo, or section 148.370, RSMo, and the term "qualified research expenses" has the same meaning as prescribed in 26 U.S.C. 41, except that such qualified research expenses shall be limited to those incurred in the research and development of agricultural biotechnology, plant genomics products, diagnostic and therapeutic medical devices, prescription pharmaceuticals consumed by humans or animals, electronic patient health record technology, or qualified research expenses incurred in the research, development or manufacture of power system technology for aerospace, space, defense, alternative energy, alternative energy vehicles, or implantable or wearable medical devices, or qualified research expenses incurred in the research, development, or manufacturing of gears, speed changers, and industrial high speed drivers, utilized in the wind turbine industry. The term "taxpayer" shall not include any individual, partnership, or charitable organization which receives tax credits under the provisions of section 620.1039.**

2. For tax years ending after January 1, 2009, the director of the department of economic

development may authorize a taxpayer to receive a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, based upon the amount by which the taxpayer's qualified research expenses exceed the average, as certified by the director of the department of economic development, of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years, as follows:

(1) Three percent of the amount of increase in qualified research expenses paid or incurred during the taxable year which does not exceed two million five hundred thousand dollars;

(2) Five percent of the amount of increase in qualified research expenses paid or incurred during the taxable year which exceeds two million five hundred thousand dollars but does not exceed five million dollars; and

(3) Seven and one-half percent of the amount of increase in qualified research expenses paid or incurred during the taxable year which exceeds five million dollars.

Provisions of this subsection to the contrary notwithstanding, no tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years.

3. The director of economic development shall prescribe the manner in which the taxpayer may apply for the tax credit. The tax credit authorized by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that becomes due in the tax year during which such qualified research expenses were incurred; provided that if the return required to be filed pursuant to section 143.511, RSMo, or section 148.050, RSMo, for such tax year has already been filed, the taxpayer may claim the tax credit authorized by this section by claiming the tax credit against the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, in the tax year following the tax year in which such qualified research expenses were incurred. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years after the tax year in which the credit was first claimed or until the full credit has been claimed, whichever first occurs. The application for tax credits authorized by the director pursuant to subsection 2 of this section shall be made no earlier than January first and no later than July first of the calendar year immediately following the calendar year in which the taxpayer's tax period for which the credits are being claimed ended. The director shall act on any such application for tax credits no sooner than August first but no later than August fifteenth of each year for applications filed in that calendar year.

4. Certificates of tax credit issued pursuant to this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credit transferred. The director of economic development may allow a taxpayer to transfer, sell, or assign up to forty percent of the amount of the certificates of tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year commencing on or after January 1, 2010, and ending not later than December 31, 2016. Such taxpayer shall file, by December 31, 2018, an application with the department which names the transferee, the amount of tax credit desired to be transferred, and a certification that the funds received by the applicant as a result of the



transfer, sale, or assignment of the tax credit shall be expended within three years at the state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer, and the state university. Failure to expend such funds in the manner prescribed pursuant to this section shall cause the applicant to be subject to the provisions of section 620.017.

5. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to August 28, 2009, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 2009, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. The total amount of tax credits provided under this section, which may be authorized in fiscal year 2010 and each fiscal year thereafter, shall not exceed seven million dollars. No tax credits provided under this section shall be authorized after June 30, 2015. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to June 30, 2015, or a taxpayer's ability to redeem such tax credits. In the event that total eligible claims for credits received in a fiscal year exceed the amount of tax credits available for authorization in such fiscal year, as provided under the provisions of this section, each eligible claimant shall be issued credits based upon the following formula: the eligible credits if the amount allocated had not been exceeded multiplied by the ratio of the allocation divided by the total of all eligible claims for credits filed in that fiscal year.

7. No one taxpayer shall be issued more than thirty percent of the aggregate of all tax credits authorized under this section in any calendar year. No taxpayer shall simultaneously receive tax credits under the provisions of this section and section 620.1039.”; and

Further amend said bill, Section 620.1878, Page 62, Lines 22 to 26 by deleting all of said lines and inserting in lieu thereof “(8)”; and renumber subsequent subdivisions accordingly; and

Further amend said page, Lines 29 to 32 by deleting all of said lines and inserting in lieu thereof the following: “which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums;”; and

Further amend said section, Page 63, Lines 68 to 75 by deleting all of said lines and inserting in lieu thereof the following: “(18)”; and renumber subsequent subdivisions accordingly; and

Further amend said bill, Section 620.1881, Page 67, Line 23 by deleting the number “(20)” and inserting in lieu thereof the number “(21)”; and

Further amend said section, Page 68, Line 56, by deleting the number “(34)” and inserting in lieu thereof the number “(35)”; and

Further amend said section, Pages 72 to 73, Lines 191 to 249 by deleting all of said lines and inserting in lieu thereof the following: “after August 30, 2010.”; and

Further amend said section, Page 74, Lines 274 and 275 by deleting all of said lines and inserting in lieu thereof the following: “5. The maximum calendar year annual tax credits issued for the entire program shall not”; and

Further amend said page, Lines 280 and 281 by deleting all of said lines and inserting in lieu thereof the following: “be retained by approved companies under this program.”; and

Further amend said bill, Sections 620.2050 to 620.2077, Pages 88 to 100, by striking all of said sections from bill; and

Further amend said bill, Section B, Page 101, Lines 4 and 5 by deleting all of said lines and inserting in lieu thereof the following: “108.1000, 108.1010, 108.1020, 144.055, 348.273, 348.274, 620.1041, 620.1895 of section A of this act are deemed necessary for the”; and

Further amend said page, Lines 9 and 10 by deleting all of said lines and inserting in lieu thereof the following: “enactment of sections 71.275, 108.1000, 108.1010, 108.1020, 144.055, 348.273, 348.274, 620.1041, 620.1895 of section A of this act shall”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the message sent on Thursday, May 7, 2009 that the House had taken up and passed **SB 61** was incorrect. The message should have read that the House had taken up and passed **SB 161**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS** for **HB 103**, as amended, and has taken up and passed **SS No. 2** for **SCS** for **HB 103**, as amended.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 246**, as amended: Senators Purgason, Goodman, Clemens, Bray and Barnitz.

### **PRIVILEGED MOTIONS**

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 47** moved that the following conference committee report be taken up, which motion prevailed.

### **CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 47**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 47, begs leave to report that we, after free and fair discussion of the differences, have

agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 47;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 47;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 47, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Delbert Scott

/s/ Robert Mayer

/s/ Bill Stouffer

/s/ Ryan McKenna

/s/ Frank A. Barnitz

FOR THE HOUSE:

/s/ Mark Bruns

/s/ Kenny Jones, 117th

/s/ Thomas Flanigan

/s/ Charlie Norr

/s/ Rochelle W. Gray

Senator Scott moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Scott, **CCS** for **HCS** for **SCS** for **SB 47**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 47

An Act to repeal sections 43.060, 57.010, 306.227, and 590.030, RSMo, and to enact in lieu thereof four new sections relating to certain law enforcement personnel.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer

Schmitt          Scott          Shields          Shoemyer          Smith          Stouffer          Vogel          Wilson  
Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Pearce, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 242**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 242

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 242;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce

/s/ Tom Dempsey

/s/ John E. Griesheimer

/s/ Timothy Green

/s/ Frank A. Barnitz

FOR THE HOUSE:

/s/ Tim Jones

/s/ Dwight Scharnhorst

/s/ Allen Icet

/s/ Jeff Roorda

Jason Holsman

Senator Pearce moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

## NAYS—Senators

McKenna	Wright-Jones—2
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Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Pearce, **CCS** for **HCS** for **SCS** for **SB 242**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 242

An Act to repeal section 204.569, RSMo, and to enact in lieu thereof three new sections relating to sewer districts, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

## NAYS—Senators

McKenna	Wright-Jones—2
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Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt

Scott                Shields                Shoemyer                Smith                Stouffer                Vogel                Wilson—31

NAYS—Senators

McKenna                Wright-Jones—2

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 296**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 296

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 296, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment Nos. 3, 4, 5, 6, 7, 8, 10, and 11, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 296, as amended;
2. The Senate recede from its position on Senate Bill No. 296;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 296, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Delbert Scott

/s/ David Pearce

/s/ Jane Cunningham

/s/ Rita Heard Days

/s/ Jeff Smith

FOR THE HOUSE:

/s/ Don Wells

/s/ Jay Wasson

/s/ David Day

/s/ Sue Schoemehl

/s/Curt Dougherty

Senator Scott moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler
Goodman	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna	Nodler
Pearce	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—27					

## NAYS—Senators

Barnitz	Crowell	Green	Purgason	Ridgeway	Wright-Jones—6
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Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Scott, **CCS** for **HCS** for **SB 296**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 296

An Act to repeal sections 105.711, 195.070, 195.100, 214.270, 214.280, 214.330, 214.385, 214.387, 324.001, 324.065, 324.068, 324.071, 324.077, 324.080, 324.086, 324.089, 324.139, 324.141, 324.212, 324.247, 324.415, 324.481, 324.487, 328.030, 328.040, 328.050, 328.060, 328.115, 328.140, 328.150, 328.160, 329.180, 329.190, 329.191, 329.200, 329.210, 329.220, 329.230, 329.240, 334.735, 334.850, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 338.010, 338.013, 338.057, 338.220, 338.337, 346.015, 346.045, 346.050, 346.070, 346.075, 346.080, 346.090, 346.095, 346.100, 346.105, 346.115, 346.125, and 376.811, RSMo, and to enact in lieu thereof sixty-eight new sections relating to regulation of certain professions, with penalty provisions.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler
Goodman	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna	Nodler
Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Smith
Stouffer	Vogel	Wilson—27					

## NAYS—Senators

Barnitz	Crowell	Green	Purgason	Shoemyer	Wright-Jones—6
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Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Dempsey, on behalf of the conference committee appointed to act with a like committee from the House on **SB 513**, with **HA 1**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 513

The Conference Committee appointed on Senate Bill No. 513, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 513, as amended;
2. The Senate recede from its position on Senate Bill No. 513;
3. That the attached Conference Committee Substitute for Senate Bill No. 513, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Tom Dempsey  
/s/ John E. Griesheimer  
/s/ Scott T. Rupp  
/s/ Victor E. Callahan  
/s/ Wes Shoemyer

FOR THE HOUSE:

/s/ John Diehl  
/s/ Bryan Stevenson  
/s/ Stanley Cox  
/s/ John Burnett  
/s/ Michele Kratky

Senator Dempsey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None



On motion of Senator Dempsey, **CCS** for **SB 513**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 513

An Act to repeal section 429.609, RSMo, and to enact in lieu thereof two new sections relating to real estate, with an expiration date for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Crowell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 265** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 265

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 265, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 265;
2. That the House recede from its position on House Committee Substitute for House Bill No. 265;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 265, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Ward Franz

/s/ James Viebrock

/s/ Barney Fisher

/s/ Patricia Yaeger

/s/ Sue Schoemehl

FOR THE SENATE:

/s/ Jason Crowell

/s/ Robert Mayer

/s/ Jane Cunningham

/s/ Rita Heard Days

/s/ Timothy P. Green

Senator Crowell moved that the above conference committee report be adopted.

At the request of Senator Crowell, the above motion was withdrawn, which placed the bill back on the Calendar.

Senator Dempsey assumed the Chair.

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 269**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 269

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 269, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 269, as amended;
2. That the House recede from its position on House Bill No. 269;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 269, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Mike Parson

/s/ Michael Talboy

/s/ Kenny Jones

/s/ Stanley Cox

/s/ Don Calloway

FOR THE SENATE:

/s/ Delbert Scott

/s/ John E. Griesheimer

/s/ David Pearce

/s/ Rita Heard Days

/s/ Frank A. Barnitz

Senator Scott moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz

Bray

Callahan

Champion

Clemens

Crowell

Cunningham

Days

Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Scott, **CCS** for **SCS** for **HB 269**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 269

An Act to repeal sections 301.190, 301.218, 306.410, 430.082, and 700.320, RSMo, and to enact in lieu thereof five new sections relating to certificates of ownership, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Ridgeway, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 397** and **HCS** for **HB 947** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 397  
AND  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 947

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 397 & House Committee Substitute for House Bill No. 947, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 397 & House Committee Substitute for House Bill No. 947;
2. That the House recede from its positions on House Committee Substitute for House Bill No. 397 and House Committee Substitute for House Bill No. 947;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 397 & House Committee Substitute for House Bill No. 947, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Tim Flook  
/s/ James Viebrock  
/s/ Ward Franz  
/s/ Michael Talboy  
/s/ Patricia Yaeger

FOR THE SENATE:

/s/ Luann Ridgeway  
/s/ Jason Crowell  
/s/ James W. Lembke  
/s/ Victor E. Callahan  
/s/ Robin Wright-Jones

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting on the adoption of the conference committee report, 3rd reading of the bill and the emergency clause.

Senator Ridgeway moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Excused from voting—Senator Wilson—1

Vacancies—None

On motion of Senator Ridgeway, **CCS** for **SCS** for **HCS** for **HB 397** and **HCS** for **HB 947**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 397  
AND  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 947

An Act to repeal sections 86.200, 86.207, 86.237, 86.257, 86.260, 86.263, 86.270, 86.1170, and 86.1240, RSMo, and to enact in lieu thereof nine new sections relating to police retirement, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Excused from voting—Senator Wilson—1

Vacancies—None

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **HB 745**, as amended; **HCS** for **HB 152**; and **HCS** for **HB 62**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

President Pro Tem Shields assumed the Chair.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HJR 15**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Dempsey assumed the Chair.

### HOUSE BILLS ON THIRD READING

Senator Clemens moved that **SCS** for **HB 745**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HB 745**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Smith	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Excused from voting—Senators

Barnitz          Shoemyer          Stouffer—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Purgason moved that the conferees on **HCS** for **HB 246**, as amended, be allowed to exceed the differences in Section 444.770, page 5, line 15 as it relates to commercial sales, which motion prevailed.

Senator Scott moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 216**, as amended, and request the House to recede from its position and take up and pass **SCS** for **SB 216**, which motion prevailed.

Senator Nodler moved that **SCS** for **SB 15**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 15**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 15

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Was taken up.

Senator Nodler moved that **HCS** for **SCS** for **SB 15** be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

#### NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Nodler, **HCS** for **SCS** for **SB 15** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
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Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Goodman moved that the Senate refuse to concur in **HCS** for **SCS** for **SBs 36** and **112** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 435** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS No. 2** for **HCS** for **HB 148** and has taken



up and passed **CCS** for **SCS No. 2** for **HCS** for **HB 148**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 91** and has taken up and passed **CCS** for **SCS** for **HB 91**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 395**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 395**.

Emergency clause adopted.

### **REFERRALS**

President Pro Tem Shields referred **HCS** for **HB 681**; **HCS** for **HBs 187** and **235**, with **SCS**; **HCS** for **HB 795**, with **SCS**; and **HJR 11** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Shields referred **SR 1114** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 435**: Senators Lembke, Crowell, Stouffer, Shoemyer and McKenna.

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Dempsey.

### **RESOLUTIONS**

Senator Rupp offered Senate Resolution No. 1140, regarding Edward B. Wallace, Jr., Kansas City, which was adopted.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 242**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 242**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 307**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SB 307**.

Emergency clause adopted.

Bill ordered enrolled.

### PRIVILEGED MOTIONS

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS No. 2** for **HCS** for **HB 148** moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE NO. 2 FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 148

The Conference Committee appointed on Senate Committee Substitute #2 for House Committee Substitute for House Bill No. 148, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute #2 for House Committee Substitute for House Bill No. 148;
2. That the House recede from its position on House Committee Substitute for House Bill No. 148;
3. That the attached Conference Committee Substitute for Senate Committee Substitute #2 for House Committee Substitute for House Bill No. 148, be Third Read and Finally Passed.

#### FOR THE HOUSE:

/s/ Ward Franz

/s/ Jason R. Brown

/s/ Charlie Denison

/s/ Trent Skaggs

/s/ Jacob Hummel

#### FOR THE SENATE:

/s/ John E. Griesheimer

/s/ Brad Lager

/s/ Eric S. Schmitt

/s/ Ryan McKenna

/s/ Wes Shoemyer

Senator Griesheimer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Shields
Shoemyer	Smith	Stouffer	Vogel	Wright-Jones—29			

#### NAYS—Senators—None

#### Absent—Senators

Green	Lembke	Scott	Wilson—4
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#### Absent with leave—Senator Bartle—1

#### Vacancies—None

On motion of Senator Griesheimer, **CCS** for **SCS No. 2** for **HCS** for **HB 148**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 148

An Act to repeal sections 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 67.110, 137.073, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071, RSMo, and to enact in lieu thereof nineteen new sections relating to property taxation.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green                Scott—2

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Wright-Jones moved that **SCS** for **SB 179**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 179**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 179

An Act to authorize the conveyance of certain state properties, with an emergency clause for certain sections.

Was taken up.

Senator Wright-Jones moved that **HCS** for **SCS** for **SB 179** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Wright-Jones, **HCS for SCS for SB 179** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Wright-Jones, title to the bill was agreed to.

Senator Wright-Jones moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shoemyer moved that **SB 196**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 196**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 196

An Act to repeal section 247.031, RSMo, and to enact in lieu thereof one new section relating to detachment from public water supply districts.

Was taken up.

Senator Shoemyer moved that **HCS for SB 196** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Shoemyer, **HCS for SB 196** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shoemyer, title to the bill was agreed to.

Senator Shoemyer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mayer moved that **SB 263**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 263**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 263

An Act to repeal sections 8.001, 8.003, 8.007, 44.105, and 44.227, RSMo, and to enact in lieu thereof five new sections relating to the state commissions.

Was taken up.

Senator Mayer moved that **HCS** for **SB 263** be adopted.

At the request of Senator Mayer, the above motion was withdrawn, which placed the bill back on the Calendar.

Senator Crowell moved that **SCS** for **SB 411**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 411**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 411

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof fifteen new sections relating to public employee retirement systems.

Was taken up.

Senator Crowell moved that **HCS** for **SCS** for **SB 411** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Crowell, **HCS** for **SCS** for **SB 411** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Crowell moved that **CCR** on **SCS** for **HCS** for **HB 265** be again taken up, which motion prevailed.

Senator Crowell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Crowell, **CCS** for **SCS** for **HCS** for **HB 265**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 265**

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof fourteen new sections relating to teacher and school employee retirement systems.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Schmitt assumed the Chair.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 580**, with **SCS**, entitled:

An Act to repeal section 287.090, RSMo, and to enact in lieu thereof two new sections relating to compensation for emergency personnel killed in the line of duty, with an emergency clause.

Was taken up by Senator Dempsey.

**SCS** for **HCS** for **HB 580**, entitled:



SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 580

An Act to repeal section 287.090, RSMo, and to enact in lieu thereof two new sections relating to compensation for emergency personnel killed in the line of duty, with an emergency clause.

Was taken up.

Senator Dempsey moved that **SCS** for **HCS** for **HB 580** be adopted.

At the request of Senator Dempsey, **HCS** for **HB 580**, with **SCS** (pending), was placed on the Informal Calendar.

**HCS** for **HBs 46** and **434**, entitled:

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof six new sections relating to abortion, with penalty provisions.

Was taken up by Senator Mayer.

At the request of Senator Mayer, **HCS** for **HBs 46** and **434** was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 683**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 683**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 513**, as amended, and has taken up and passed **CCS** for **SB 513**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 427**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 427**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 296**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 296**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 47** and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 47**.

Bill ordered enrolled.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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SIXTY-NINTH DAY—TUESDAY, MAY 12, 2009

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## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 546-Schmitt, et al  
SB 545-Schmitt

SB 222-Goodman, with SCS  
SB 391-Schaefer, with SCS

### HOUSE BILLS ON THIRD READING

- |  |   |
|--|---|
| 1. HB 65-Wilson (119), et al (Pearce)<br>(In Fiscal Oversight)       | 12. HCS for HBs 187 & 235, with SCS<br>(Bartle) (In Fiscal Oversight) |
| 2. HCS for HBs 320, 39 & 662 (Mayer)<br>(In Fiscal Oversight)        | 13. HB 170-Cox, et al, with SCS (Stouffer)                            |
| 3. HB 86-Sutherland (Lager)<br>(In Fiscal Oversight)                 | 14. HB 116-Hoskins (Cunningham)                                       |
| 4. HCS for HB 152 (Bartle)   | 15. HCS for HB 250, with SCS (Scott)                                  |
| 5. HCS for HB 62, with SCS (Bartle)                                  | 16. HCS for HB 361 (Purgason)   |
| 6. HB 734-Ruzicka and Hobbs, with SCS<br>(Lager)                     | 17. HCS for HB 795, with SCS (Purgason)<br>(In Fiscal Oversight)      |
| 7. HB 30-Brandom, et al, with SCS<br>(Goodman) (In Fiscal Oversight) | 18. HB 802-Tracy, et al (Crowell)                                     |
| 8. HCS for HB 228, with SCS (Lembke)                                 | 19. HCS for HB 96, with SCS (Mayer)                                   |
| 9. HCS for HB 883 (Pearce)   | 20. HCS for HB 390, with SCS (Rupp)                                   |
| 10. HCS for HB 681 (Pearce)<br>(In Fiscal Oversight)                 | 21. HCS for HB 1075, with SCS (Griesheimer)                           |
| 11. HCS for HB 381 (Green)   | 22. HJR 11-McGhee, et al (Scott)<br>(In Fiscal Oversight)             |
|  | 23. HJR 37-Cunningham (Goodman)                                       |
|  | 24. HJR 15-Chappelle-Nadal, et al                                     |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
 SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB 29-Stouffer  
 SBs 45, 212, 136, 278, 279, 285 & 288-Pearce  
 and Smith, with SCS & SS#3 for SCS  
 (pending)  
 SB 57-Stouffer, with SCS & SA 1 (pending)  
 SB 72-Stouffer, with SCS  
 SB 94-Justus, et al, with SCS & SS for SCS  
 (pending)  
 SB 174-Griesheimer and Goodman, with  
 SCS, SS#2 for SCS & SA 2 (pending)  
 SCS for SB 189-Shields  
 SBs 223 & 226-Goodman and Nodler, with  
 SCS & SA 1 (pending)  
 SB 228-Scott, with SCS, SS for SCS, SA 12,  
 SSA 1 for SA 12 & SA 1 to SSA 1 for SA 12  
 (pending)

SB 236-Lembke  
 SB 254-Barnitz, with SS (pending)  
 SBs 261, 159, 180 & 181-Bartle and Goodman,  
 with SCS & SS#3 for SCS (pending)  
 SB 264-Mayer  
 SB 267-Mayer and Green, with SA 1 (pending)  
 SB 284-Lembke, et al, with SA 1 (pending)  
 SB 299-Griesheimer, with SCS & SS for SCS  
 (pending)  
 SB 321-Days, et al, with SCS (pending)  
 SB 364-Clemens and Schaefer  
 SB 409-Stouffer, with SCS (pending)  
 SB 477-Wright-Jones, with SS (pending)  
 SB 527-Nodler and Bray  
 SB 555-Lager, with SCS, SS for SCS & SA 2  
 (pending)  
 SB 569-Lembke, with SCS  
 SB 572-Dempsey and Justus  
 SJR 12-Scott, with SCS (pending)

## HOUSE BILLS ON THIRD READING

HCS for HBs 46 & 434 (Mayer)  
 HCS for HBs 128 & 340, with SA 1 (pending)  
 (Scott)  
 HCS for HB 191, with SCS & SS for SCS  
 (pending) (Griesheimer)  
 HB 229-Ervin, with SCS, SS for SCS, SA 8,  
 SSA 1 for SA 8 & SA 1 to SSA 1 for SA 8  
 (pending) (Dempsey)  
 HB 258-Jones (89), et al, with SCS & SA 1  
 (pending) (Rupp)  
 HB 287-Day, et al, with SS (pending) (Mayer)  
 HCS for HB 481 (Lembke)  
 HB 488-Schad, et al, with SCS (pending)  
 (Pearce)

HCS for HB 495, with SCS, SS for SCS, SA 1,  
 SSA 2 for SA 1 & SA 1 to SSA 2 for SA 1  
 (pending) (Griesheimer)  
 SS for SCS for HCS for HB 577 (Rupp)  
 (In Fiscal Oversight)  
 HCS for HB 580, with SCS (pending)  
 (Dempsey)  
 HCS for HBs 658 & 706 (Clemens)  
 HB 659-Dusenberg, et al, with SCS & SA 1  
 (pending) (Bartle)  
 HCS for HJR 10, with SS (pending) (Lembke)  
 HCS for HJR 32, with SCA 1 & SA 1 to SCA 1  
 (pending) (Schaefer)

CONSENT CALENDAR

House Bills

Reported 4/9

HCS for HB 251 (Clemens)	HB 593-Viebrock (Crowell)
HB 210-Deeken (Crowell)	HB 678-Wasson (Goodman)
HB 400-Nasheed, et al (Pearce)	HB 537-Dixon, et al (Wright-Jones)

Reported 4/14

HB 83-Wood, with SCS (Goodman)	HB 698-Zimmerman, et al (Schmitt)
HCS for HB 124 (McKenna)	HCS for HB 895 (Stouffer)
HB 282-Stevenson, et al (Nodler)	HB 918-Kelly (Schaefer)
HB 652-Pratt (Bartle)	HB 919-Ruestman, et al (Goodman)

Reported 4/15

HCS for HB 525 (Schmitt)	HB 859-Dieckhaus, et al (Griesheimer)
HCS for HB 231 (Rupp)	HB 283-Wood, with SCS (Goodman)
HB 826-Brown (149), et al (Lembke)	HCS for HBs 234 & 493 (Shoemyer)
HCS for HB 685 (Goodman)	HB 289-Wallace (Mayer)
HB 811-Wasson (Scott)	HB 373-Wallace, with SCS (Mayer)
HCS for HB 273 (Scott)	HB 490-Schad, et al (Pearce)
HCS for HB 485 (Mayer)	HB 682-Swinger, et al (Mayer)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 44-Pearce, with HCS	SB 377-Rupp, with HCS, as amended
SCS for SB 71-Stouffer, with HCS, as amended	SB 526-Clemens, with HA 1, HA 2, HA 3 & HA 4
SB 215-Shields, with HCS, as amended	SCS for SB 563-Smith, with HCS
SB 263-Mayer, with HCS	

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SB 171-Griesheimer, with HCS, as amended	SB 435-Lembke, with HCS
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SB 464-Stouffer, with HCS, as amended  
 HB 91-Pollock, with SCS (Purgason)  
 (House adopted CCR and passed CCS)  
 HCS for HB 154, with SS, as amended  
 (Shields)  
 HCS for HB 246, with SA 1 (Purgason)  
 HCS for HB 376-Hobbs, et al, with SS for  
 SCS, as amended (Griesheimer)  
 HB 395-Nance, et al, with SS for SCS,  
 as amended (Stouffer)  
 (House adopted CCR and passed CCS)

HCS for HB 427, with SCS, as amended  
 (Pearce)  
 (House adopted CCR and passed CCS)  
 HB 683-Schieffer, et al, with SS for SCS,  
 as amended (Stouffer)  
 (House adopted CCR and passed CCS)

#### Requests to Recede or Grant Conference

SCS for SBs 36 & 112-Goodman, with HCS  
 (Senate requests House recede  
 or grant conference)

SCS for SB 216-Scott, with HCS, as amended  
 (Senate requests House  
 recede and take up and pass bill)

#### RESOLUTIONS

##### Reported from Committee

SR 141-Engler, with point of order (pending)  
 SCR 7-Pearce  
 SR 207-Lembke and Smith, with SCS & SS  
 for SCS (pending)  
 SCR 11-Bartle, et al  
 SCR 14-Schmitt

SCR 21-Clemens  
 SCR 10-Rupp  
 SCR 18-Bartle and Rupp  
 SCR 23-Schmitt  
 HCS for HCR 16 (Cunningham)  
 HCS for HCR 4

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# Journal of the Senate

## FIRST REGULAR SESSION

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**SIXTY-NINTH DAY—TUESDAY, MAY 12, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Senator Shields offered the following prayer:

“He is before all things, and in him all things hold together.” (Colossians 1:17)

Dear Lord, today we continue to come together humbly to complete our work on behalf of the people we represent. This week, while we will be unable to avoid stress, please Lord, let Your wisdom lead us in our decisions. Help us hold together by communicating with one another, rather than against each other. Help us to stay focused, Lord, on performing Your will for the people of Missouri. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**HOUSE BILLS ON THIRD READING**

**HCS for HB 251**, entitled:

An Act to repeal section 416.440, RSMo, and to enact in lieu thereof one new section relating to the sale of milk.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **HCS for HB 251** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 210**, introduced by Representative Deeken, entitled:

An Act to repeal sections 104.540 and 104.1054, RSMo, and to enact in lieu thereof two new sections relating to state retirement.

Was called from the Consent Calendar and taken up by Senator Crowell.

On motion of Senator Crowell, **HB 210** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Barnitz            Ridgeway—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 400**, introduced by Representative Nasheed, et al, entitled:

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to free parking for certain veterans.

Was called from the Consent Calendar and taken up by Senator Pearce.

On motion of Senator Pearce, **HB 400** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 593**, introduced by Representative Viebrock, entitled:

An Act to repeal sections 86.107 and 86.590, RSMo, and to enact in lieu thereof two new sections relating to investments by the board of trustees of police and firemen's pension systems.

Was called from the Consent Calendar and taken up by Senator Crowell.



Under the provisions of Senate Rule 91, Senator Wilson was excused from voting on 3rd reading of the bill.

On motion of Senator Crowell, **HB 593** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Barnitz            Schaefer—2

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Stouffer, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 683**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 683

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 683, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, and Senate Committee Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 683, as amended;
2. That the House recede from its position on House Bill No. 683;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 683, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Bob Dixon

/s/ Sally A. Faith

/s/ Tim Jones

/s/ Ed Schieffer

/s/ Tim Meadows

FOR THE SENATE:

/s/ Bill Stouffer

/s/ John E. Griesheimer

/s/ Delbert Scott

/s/ Rita Heard Days

/s/ Ryan McKenna

Senator Stouffer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators

Bray Griesheimer—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, **CCS** for **SS** for **SCS** for **HB 683**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 683

An Act to repeal sections 21.795, 32.063, 136.055, 142.800, 144.054, 144.060, 144.070, 226.030, 227.600, 227.615, 227.630, 260.750, 301.010, 301.032, 301.131, 301.140, 301.150, 301.280, 301.290, 301.310, 301.420, 301.440, 301.562, 301.716, 302.302, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 304.155, 304.170, 304.260, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.350, 307.365, 307.375, 307.390, 307.400, 311.326, 387.040, 476.385, 556.021, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof seventy-seven new sections relating to transportation, with penalty provisions, an emergency clause for certain sections, and effective dates for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Engler
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Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

## NAYS—Senators

Bartle	Bray	Purgason—3
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Absent—Senator Dempsey—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

## NAYS—Senators

Bartle	Purgason	Ridgeway—3
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Absent—Senator Bray—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING****HCS for HB 152**, entitled:

An Act to repeal sections 650.052 and 650.055, RSMo, and to enact in lieu thereof two new sections relating to the DNA profiling system, with a penalty provision.

Was taken up by Senator Bartle.

At the request of Senator Bartle, **HCS for HB 152** was placed on the Informal Calendar.**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 745**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 216**, as amended, and request the Senate grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 36** and **112** and grants the Senate a conference thereon.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 36** and **112**: Senators Goodman, Crowell, Schmitt, Barnitz and Shoemyer.

### PRIVILEGED MOTIONS

Senator Clemens moved that the Senate refuse to recede from its position on **SCS** for **HB 745**, as amended, and grant the House a conference thereon, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HB 678**, introduced by Representative Wasson, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Silver Star Families of America Day in Missouri.

Was called from the Consent Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HB 678** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **PRIVILEGED MOTIONS**

Senator Scott moved that the Senate grant the House a conference on **HCS** for **SCS** for **SB 216**, as amended, which motion prevailed.

President Pro Tem Shields assumed the Chair.

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HB 15**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 745**, as amended: Senators Clemens, Stouffer, Mayer, Shoemyer and Barnitz.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 216**, as amended: Senators Scott, Cunningham, Crowell, Justus and Barnitz.

### **CONCURRENT RESOLUTIONS**

Senator Cunningham moved that **HCS** for **HCR 16** be taken up for adoption, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Stouffer assumed the Chair.

Senator Shields offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend House Committee Substitute for House Concurrent Resolution No. 16, as it appears on Page 455 of the Senate Journal for Tuesday, March 3, 2009, Line 45 of said journal page, by inserting after the word "Missouri" the following: "or the State of Kansas".

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **HCS** for **HCR 16**, as amended, be adopted.

At the request of Senator Cunningham, the above motion was withdrawn which placed the concurrent resolution back on the Calendar.

On motion of Senator Engler, the Senate recessed until 2:30 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Dempsey.

**RESOLUTIONS**

Senator Engler offered Senate Resolution No. 1141, regarding John G. Bridges, Farmington, which was adopted.

Senator Pearce offered Senate Resolution No. 1142, regarding Earl David Coonrod, Belton, which was adopted.

Senator Engler offered Senate Resolution No. 1143, regarding Alycia Anne Yount, which was adopted.

Senator Engler offered Senate Resolution No. 1144, regarding Nathan Foust, St. Peters, which was adopted.

Senator Vogel offered Senate Resolution No. 1145, regarding Sara Irwin, which was adopted.

Senator Vogel offered Senate Resolution No. 1146, regarding Cassandra Brown, which was adopted.

Senator Vogel offered Senate Resolution No. 1147, regarding Kaitlynn Baker, which was adopted.

Senator Vogel offered Senate Resolution No. 1148, regarding Amanda Woods, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Cunningham moved that **HCS** for **HCR 16**, as amended, be taken up for adoption, which motion prevailed.

On motion of Senator Cunningham, **HCS** for **HCR 16**, as amended, was adopted by the following vote:

**YEAS—Senators**

Barnitz	Bartle	Callahan	Champion	Crowell	Cunningham	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Lager	Nodler	Pearce	Purgason
Ridgeway	Rupp	Schaefer	Schmitt	Shields	Smith	Stouffer	Vogel
Wilson	Wright-Jones—26						

**NAYS—Senator Bray—1****Absent—Senators**

Clemens	Days	Lembke	Mayer	McKenna	Scott	Shoemyer—7
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**Absent with leave—Senators—None****Vacancies—None****HOUSE BILLS ON THIRD READING**

At the request of Senator Bartle, **HCS** for **HB 62**, with **SCS**, was placed on the Informal Calendar.

**HB 734**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 228**, with **SCS**, was placed on the Informal Calendar.

**HCS for HB 883**, entitled:

An Act to repeal sections 30.260, 30.270, 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, and to enact in lieu thereof eight new sections relating to the state treasurer, with penalty provisions.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **HCS for HB 883** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Champion	Crowell	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Bartle	Callahan	Clemens	Scott—4
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 381**, entitled:

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to fee agent offices.

Was taken up by Senator Green.

At the request of Senator Green, **HCS for HB 381** was placed on the Informal Calendar.

**HB 170**, with **SCS**, introduced by Representative Cox, et al, entitled:

An Act to amend chapter 537, RSMo, by adding thereto three new sections relating to business premises safety.

Was taken up by Senator Stouffer.

**SCS for HB 170**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 170

An Act to amend chapter 537, RSMo, by adding thereto two new sections relating to business premises

safety.

Was taken up.

Senator Stouffer moved that **SCS** for **HB 170** be adopted.

Senator Stouffer offered **SS** for **SCS** for **HB 170**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 170

An Act to repeal section 571.101, RSMo, and to enact in lieu thereof four new sections relating to personal safety, with a penalty provision.

Senator Stouffer moved that **SS** for **SCS** for **HB 170** be adopted.

At the request of Senator Stouffer, **HB 170**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Stouffer assumed the Chair.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 435**. Representatives: Brown (149), Ruestman, McGhee, Quinn and Todd.

**HOUSE BILLS ON THIRD READING**

Senator Dempsey moved that **HCS** for **HB 580**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HCS** for **HB 580** was again taken up.

Senator Dempsey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 580, Page 4, Section 287.243, Lines 29-47, by striking all of said lines and inserting in lieu thereof the following:

**“(5) “Killed in the line of duty”, when a person defined in this section loses one's life as a result of an injury received in the active performance of his or her duties within the ordinary scope of his or her respective profession while the individual is on duty and but for the individual's performance, death would have not occurred.”.**

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey moved that **SCS** for **HCS** for **HB 580**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **HCS** for **HB 580**, as amended, was read the 3rd time and passed by the following vote:



## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

## NAYS—Senators—None

## Absent—Senators

Goodman      Scott—2

## Absent with leave—Senators—None

## Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

## NAYS—Senators—None

## Absent—Senators

Goodman      Scott—2

## Absent with leave—Senators—None

## Vacancies—None

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Pearce, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 427**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 427

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute

for House Bill No. 427, with Senate Amendment No. 1, Senate Amendment No. 3, Senate Amendment No. 4, and Senate Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 427, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 427;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 427, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ David Day

/s/ Scott Largent

/s/ Barney Fisher (125)

/s/ Charlie Norr

/s/ Jason Kander

FOR THE SENATE:

/s/ David Pearce

/s/ Jason Crowell

/s/ Jane Cunningham

/s/ Frank A. Barnitz

/s/ Wes Shoemyer

Senator Pearce moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Green—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, **CCS** for **SCS** for **HCS** for **HB 427**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 427

An Act to repeal sections 41.150, 42.007, 173.234, 301.451, and 452.412, RSMo, and to enact in lieu thereof twelve new sections relating to members of the military and their families.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
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Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Green—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Purgason, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 91** moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 91

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 91, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 91;
2. That the House recede from its position on House Bill No. 91;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 91, be Third Read and Finally Passed.

#### FOR THE HOUSE:

/s/ Darrell Pollock  
/s/ David Day  
/s/ Ryan Silvey  
/s/ Joseph Fallert, Jr.  
/s/ Jeanne Kirkton

#### FOR THE SENATE:

/s/ Chuck Purgason  
/s/ Jason Crowell  
/s/ John E. Griesheimer  
/s/ Timothy P. Green  
/s/ Frank A. Barnitz

Senator Purgason moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
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Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Purgason, **CCS** for **SCS** for **HB 91**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 91

An Act to amend chapter 227, RSMo, by adding thereto seven new sections relating to the designation of state highways and bridges.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Stouffer, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 395**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 395

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 395, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. The Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 395, as amended;
2. That the House recede from its position on House Bill No. 395;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 395, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Bob Nance

/s/ Kevin Wilson

/s/ Mark Bruns

/s/ Jeff Roorda

/s/ Ed Wildberger

FOR THE SENATE:

/s/ Bill Stouffer

/s/ Eric S. Schmitt

/s/ Norma Champion

/s/ Frank A. Barnitz

/s/ Wes Shoemyer

Senator Stouffer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, **CCS** for **SS** for **SCS** for **HB 395**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 395

An Act to repeal sections 198.074, 198.075, 198.096, 198.525, 198.527, 208.437, 208.480, 208.819,

338.535, 338.550, and 633.401, RSMo, and to enact in lieu thereof fifteen new sections relating to health care services, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON THIRD READING

Senator Bartle moved that **HCS** for **HB 152** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Bartle offered **SS** for **HCS** for **HB 152**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 152

An Act to repeal sections 650.050, 650.052, and 650.055, RSMo, and to enact in lieu thereof three new sections relating to the DNA profiling system, with penalty provisions.

Senator Bartle moved that **SS** for **HCS** for **HB 152** be adopted, which motion prevailed.

On motion of Senator Bartle, **SS** for **HCS** for **HB 152** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey	Engler
Goodman	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Barnitz            Bray—2

Absent—Senators

Days            Green—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 537**, introduced by Representative Dixon, et al, entitled:

An Act to authorize the conveyance of property owned by the state in the city of St. Louis to the state highways and transportation commission.

Was called from the Consent Calendar and taken up by Senator Wright-Jones.

On motion of Senator Wright-Jones, **HB 537** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wright-Jones, title to the bill was agreed to.

Senator Wright-Jones moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 83**, with **SCS**, introduced by Representative Wood, entitled:

An Act to repeal sections 407.1240 and 407.1249, RSMo, and to enact in lieu thereof two new sections relating to travel clubs.

Was called from the Consent Calendar and taken up by Senator Goodman.

**SCS** for **HB 83**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 83

An Act to repeal sections 407.1240, 407.1243, and 407.1249, RSMo, and to enact in lieu thereof three new sections relating to travel clubs.

Was taken up.

Senator Goodman moved that **SCS** for **HB 83** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HB 83** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.



Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 124**, entitled:

An Act to repeal section 21.800, RSMo, and to enact in lieu thereof one new section relating to the joint committee on terrorism, bioterrorism, and homeland security.

Was called from the Consent Calendar and taken up by Senator McKenna.

On motion of Senator McKenna, **HCS for HB 124** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Bray—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS for SCS for SB 216**, as amended. Representatives: Cunningham, Wells, Largent, Grill and Liese.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS for SCS for SBs 36 and 112**. Representatives: Wasson, Bruns, Hobbs, Roorda and Morris.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 745**, as amended: Senators Clemens, Mayer, Purgason, Callahan and Days.

### RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 1149, regarding Christine Krumsieg, Saint Louis, which was adopted.

On motion of Senator Engler, the Senate recessed until 7:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by Senator Ridgeway.

### HOUSE BILLS ON THIRD READING

**HB 282**, introduced by Representative Stevenson, et al, entitled:

An Act to authorize the conveyance of property owned by the state in Jasper County to Missouri Southern State University.

Was called from the Consent Calendar and taken up by Senator Nodler.

On motion of Senator Nodler, **HB 282** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Justus	Lager	Lembke	Mayer	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

#### NAYS—Senators—None

#### Absent—Senators

Clemens      Days      Griesheimer      McKenna—4

#### Absent with leave—Senators—None

#### Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 652**, introduced by Representative Pratt, entitled:

An Act to repeal section 1.020, RSMo, and to enact in lieu thereof one new section relating to the definition of certified mail.

Was called from the Consent Calendar and taken up by Senator Bartle.

Senator Bartle requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Bartle offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend House Bill No. 652, Page 1, Section 1.020, Line 3, by inserting immediately after the word “includes” the following: “**certified mail carried by the United States Postal Service, or**”; and further amend line 5, by inserting immediately after “location” the following: “**and provides record of the signature of the recipient**”.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Bartle, **HB 652**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

#### NAYS—Senators—None

Absent—Senator Griesheimer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 698**, introduced by Representative Zimmerman, et al, entitled:

An Act to repeal section 407.485, RSMo, and to enact in lieu thereof one new section relating to donation receptacles.

Was called from the Consent Calendar and taken up by Senator Schmitt.

On motion of Senator Schmitt, **HB 698** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer

Schmitt      Scott      Shields      Shoemyer      Smith      Stouffer      Vogel      Wilson—32

NAYS—Senator Wright-Jones—1

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 895**, entitled:

An Act to authorize the conveyance of an easement for right of access over property owned by the state in Macon County.

Was called from the Consent Calendar and taken up by Senator Stouffer.

On motion of Senator Stouffer, **HCS for HB 895** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 918**, introduced by Representative Kelly, entitled:

An Act to authorize the conveyance of certain state property, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Schaefer.

On motion of Senator Schaefer, **HB 918** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 919**, introduced by Representative Ruestman, et al, entitled:

An Act to repeal section 376.421, RSMo, and to enact in lieu thereof one new section relating to group health insurance.

Was called from the Consent Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HB 919** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Griesheimer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 525**, entitled:

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to autism as addressed by the division of developmental disabilities.

Was called from the Consent Calendar and taken up by Senator Schmitt.

On motion of Senator Schmitt, **HCS for HB 525** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson  
Wright-Jones—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 231**, entitled:

An Act to repeal section 376.428, RSMo, and to enact in lieu thereof one new section relating to continuation of group health insurance after termination of employment, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Rupp.

On motion of Senator Rupp, **HCS for HB 231** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 826**, introduced by Representative Brown (149), et al, entitled:

An Act to repeal sections 630.110, 632.489, and 632.495, RSMo, and to enact in lieu thereof three new sections relating to sexually violent predators.

Was called from the Consent Calendar and taken up by Senator Lembke.

On motion of Senator Lembke, **HB 826** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 685**, entitled:

An Act to repeal section 43.200, RSMo, and to enact in lieu thereof one new section relating to serving search warrants for certain traffic-related offenses.

Was called from the Consent Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HCS for HB 685** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None



Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 811**, introduced by Representative Wasson, entitled:

An Act to repeal section 324.210, RSMo, and to enact in lieu thereof one new section relating to dieticians.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 811** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 273**, entitled:

An Act to repeal section 473.543, RSMo, and to enact in lieu thereof one new section relating to supportive documentation for disbursements in excess of seventy-five dollars.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HCS** for **HB 273** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager

Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 485**, entitled:

An Act to repeal section 44.227, RSMo, and to enact in lieu thereof one new section relating to the seismic safety commission.

Was called from the Consent Calendar and taken up by Senator Mayer.

On motion of Senator Mayer, **HCS for HB 485** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 859**, introduced by Representative Dieckhaus, et al, entitled:

An Act to repeal section 67.280, RSMo, and to enact in lieu thereof one new section relating to community codes.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **HB 859** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 283**, with **SCS**, introduced by Representative Wood, entitled:

An Act to repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer companies.

Was called from the Consent Calendar and taken up by Senator Goodman.

**SCS** for **HB 283**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 283

An Act to repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer districts.

Was taken up.

Senator Goodman moved that **SCS** for **HB 283** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HB 283** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke

Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green                      Purgason—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 289**, introduced by Representative Wallace, entitled:

An Act to repeal sections 162.961 and 162.963, RSMo, and to enact in lieu thereof two new sections relating to special education due process hearings.

Was called from the Consent Calendar and taken up by Senator Mayer.

On motion of Senator Mayer, **HB 289** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Mayer moved that **HB 373**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HB 373** was again taken up.

Senator Mayer moved that **SCS** for **HB 373** be adopted, which motion failed.

On motion of Senator Mayer, **HB 373** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Rupp—1

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

President Pro Tem Shields assumed the Chair.

**HB 490**, introduced by Representative Schad, et al, entitled:

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to the A+ Schools Program.

Was called from the Consent Calendar and taken up by Senator Pearce.

On motion of Senator Pearce, **HB 490** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

**HB 682**, introduced by Representative Swinger, et al, entitled:

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to loss of attendance due to inclement weather, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Mayer.

Senator Griesheimer assumed the Chair.

On motion of Senator Mayer, **HB 682** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Green moved that **HCS** for **HB 381** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Green offered **SS** for **HCS** for **HB 381**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 381

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to fee agent offices.

Senator Green moved that **SS** for **HCS** for **HB 381** be adopted, which motion prevailed.

On motion of Senator Green, **SS** for **HCS** for **HB 381** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Callahan—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Green, title to the bill was agreed to.

Senator Green moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 734**, with **SCS**, introduced by Representative Ruzicka, et al, entitled:

An Act to repeal section 644.054, RSMo, and to enact in lieu thereof one new section relating to water pollution permit fees.

Was called from the Informal Calendar and taken up by Senator Lager.

**SCS** for **HB 734**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 734

An Act to repeal sections 644.036 and 644.054, RSMo, and to enact in lieu thereof two new sections relating to the Missouri clean water law.

Was taken up.

Senator Lager moved that **SCS** for **HB 734** be adopted.

Senator Lager offered **SS** for **SCS** for **HB 734**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 734

An Act to repeal sections 644.036, 644.054, 701.500, 701.503, and 701.506, RSMo, and to enact in lieu thereof six new sections relating to programs administered through the department of natural resources.

Senator Lager moved that **SS** for **SCS** for **HB 734** be adopted.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 734, Page 1, In the Title, Lines 4 and 5 of said page, by striking the following: “programs administered through the department of”; and

Further amend said bill, page 9, section 701.506, line 5 of said page, by inserting after all of said line the following:

**“Section 1. 1. There is hereby established a joint committee of the general assembly, which shall be known as the “Joint Committee on Missouri’s Energy Future”, which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house. The committee shall select either a chairman or co-chairmen, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairman or chairmen designate.**

**2. The committee shall examine Missouri’s present and future energy needs to determine the best strategy to ensure a plentiful, affordable and clean supply of electricity that will meet the needs of the people and businesses of Missouri for the next twenty five years and ensure that Missourians continue to benefit from low rates for residential, commercial, and industrial energy consumers.**

**3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of economic development, department of natural resources, and the public service commission.**

**4. The joint committee shall prepare a final report, together with its recommendations for any**



**legislative action deemed necessary, for submission to the general assembly by December 31, 2009, at which time the joint committee shall be dissolved.**

**5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.**

Section B. Because of the critical need for reliable and affordable energy, section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 1 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 734, Page 1, In the Title, Line 4 of the title, by striking said line and inserting in lieu thereof the following: “sections relating to the administration of programs”; and further amend line 5 of the title, by striking all of said line and inserting in lieu thereof the following: “pertaining to natural resources”; and

Further amend said bill, Page 1, Section A, Line 4 of said page, by inserting immediately after said line the following:

“266.331. Every distributor shall, within thirty days after each six-months’ period ending June thirtieth and December thirty-first, file with the director on forms supplied by him, a sworn certificate setting forth the information required by the director by rule. At the time of filing said certificate, each distributor **of fertilizer, excluding manipulated animal or vegetable manure**, shall pay to the director the fee prescribed by the director by rule, which fee shall not exceed one dollar per ton and one dollar ten cents per metric ton; except that, sales to fertilizer manufacturers or exchanges between them are hereby exempted. **Each distributor of fertilizer consisting of manipulated animal or vegetable manure shall pay to the director a fee paid for each ton of manure as prescribed by the director by rule, which fee shall not exceed two cents for each percent nitrogen for manure containing less than five percent nitrogen; or which fee shall not exceed four cents for each percent nitrogen for manure containing at least five but less than ten percent nitrogen; or which fee shall not exceed six cents for each percent nitrogen for manure containing ten or more percent nitrogen.** In the event that the director has not prescribed a fee under this section, each distributor required to pay a fee under this section shall pay a fee of one and one-half cents for each one hundred pounds of fertilizer sold by him during the period covered by the certificate filed under this section. The fees so paid to the director shall be used for defraying the expenses in administering sections 266.291 to 266.351 and the rules promulgated under sections 266.291 to 266.351, and for practical and scientific experiments by the Missouri agricultural experiment station in the value and proper use of fertilizers. Such fees may also be used to support such related research and methodology, publications, and educational programs extending the results of the fertilizer experiments as may be of practical use to the farmers of this state.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 734, Page 1, In the Title, Lines 4 and 5 of said page, by striking the following: “programs administered through the department of”; and

Further amend said bill and page, section A, line 4 of said page, by inserting after all of said line the following:

**“8.305. 1. Any appliance purchased with state moneys or a portion of state moneys shall be an appliance that has earned the Energy Star under the Energy Star program co-sponsored by the United States Department of Energy and the United States Environmental Protection Agency. For purposes of this section, the term “appliance” shall have the same meaning as in section 144.526, RSMo.**

**2. The commissioner of the office of administration may exempt any appliance from the requirements of subsection 1 of this section when the cost of compliance is expected to exceed the projected energy cost savings gained.**

**3. The provisions of this section shall expire on August 28, 2011.**

**8.824. 1. Any state building constructed or substantially renovated after August 28, 2009, shall achieve either:**

**(1) The silver-level certification under the U.S. Green Building Council’s Leadership in Energy and Environmental Design program; or**

**(2) At least a three globes rating under the green globes design environmental building assessment.**

**In cases where the requirements of this section conflict with any other requirement for state buildings under this chapter, the more stringent requirement shall apply.**

**2. The commissioner of the office of administration may exempt any building from the requirements of subsection 1 of this section:**

**(1) When compliance may compromise the safety of the building or any of its occupants; or**

**(2) When the cost of compliance is expected to exceed the projected energy cost savings gained.**

**3. The provisions of subsection 1 of this section shall not apply to any building owned or occupied by a public institution of higher education.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Lager moved that **SS** for **SCS** for **HB 734**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SS** for **SCS** for **HB 734**, as amended, was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke

Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Barnitz—1

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Barnitz—1

Absent—Senators

Ridgeway      Scott—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 228, with SCS, entitled:**

An Act to repeal sections 116.080, 116.090, and 116.332, RSMo, and to enact in lieu thereof four new sections relating to petition circulators, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Lembke.

**SCS for HCS for HB 228, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 228

An Act to repeal sections 116.010, 116.020, 116.050, 116.060, 116.080, 116.090, 116.100, 116.120, 116.130, 116.175, 116.180, 116.190, and 116.332, RSMo, and to enact in lieu thereof fourteen new sections relating to initiative and referendum petitions, with penalty provisions.

Was taken up.

Senator Lembke moved that **SCS** for **HCS** for **HB 228** be adopted.

Senator Lembke offered **SS** for **SCS** for **HCS** for **HB 228**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 228

An Act to repeal sections 116.010, 116.020, 116.050, 116.060, 116.080, 116.090, 116.100, 116.120, 116.130, 116.175, 116.180, 116.190, and 116.332, RSMo, and to enact in lieu thereof thirteen new sections relating to initiative and referendum petitions, with penalty provisions.

Senator Lembke moved that **SS** for **SCS** for **HCS** for **HB 228** be adopted.

Senator Pearce assumed the Chair.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 228, Page 4, Section 116.080, Line 26 of said page, by inserting immediately after “2.” the following: **“No person or organization shall compensate or offer to compensate any person, nor shall any person or organization receive compensation or agree to receive compensation, for collecting signatures on an initiative or referendum petition if such compensation is based on the number of signatures obtained. This subsection shall not be construed to prohibit compensation for collection of signatures on an initiative or referendum petition that is not based on the number of signatures obtained.**

**3.”**; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill and section, page 5, line 25 of said page, by inserting immediately after the word “FORGERY” the following: **“, AND THAT I HAVE NOT ACCEPTED AND WILL NOT ACCEPT COMPENSATION FOR OBTAINING SIGNATURES BASED ON THE NUMBER OF SIGNATURES I OBTAIN”**; and

Further amend said bill, page 6, section 116.090, line 16 of said page, by striking the word “maliciously” and inserting in lieu thereof the following: **“knowingly”**; and

Further amend said bill, page 18, section 116.332, line 6 of said page, by inserting at the end of said line the following: **“The person submitting the sample sheet shall also deposit with the secretary of state five hundred dollars for each petition submitted. Upon the certification of the proposed measure as sufficient for the general election ballot under section 116.150, the deposit shall be immediately refunded to such person. If such proposed measure is not certified for the general election ballot under section 116.150, the deposit shall be forfeited and shall be deposited into the state’s general revenue fund. A person submitting a petition may withdraw and resubmit a petition without paying an additional deposit if the petition is withdrawn before the secretary of state’s rejection or approval as to form under this section.”**

Senator Bray moved that the above amendment be adopted, which motion failed.

At the request of Senator Lembke, **HCS** for **HB 228**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HB 745**, as amended. Representatives: Loehner, Wright, Schad, Witte and Harris.

### **RESOLUTIONS**

Senator Days offered Senate Resolution No. 1150, regarding Cassandra Davis, Saint Louis, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Ridgeway introduced to the Senate, Daniel Williams, Smithville; and Heather Noland, Warrensburg.

On motion of Senator Engler, the Senate adjourned under the rules.

### **SENATE CALENDAR**

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SEVENTIETH DAY—WEDNESDAY, MAY 13, 2009

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### **FORMAL CALENDAR**

#### **THIRD READING OF SENATE BILLS**

SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)

#### **SENATE BILLS FOR PERFECTION**

SB 546-Schmitt, et al  
SB 545-Schmitt

SB 222-Goodman, with SCS  
SB 391-Schaefer, with SCS

#### **HOUSE BILLS ON THIRD READING**

1. HB 65-Wilson (119), et al (Pearce)  
(In Fiscal Oversight)
2. HCS for HBs 320, 39 & 662 (Mayer)  
(In Fiscal Oversight)

3. HB 86-Sutherland (Lager)  
(In Fiscal Oversight)
4. HB 30-Brandom, et al, with SCS  
(Goodman) (In Fiscal Oversight)

- |  |   |
|--|---|
| 5. HCS for HB 681 (Pearce)<br>(In Fiscal Oversight)                  | 11. HB 802-Tracy, et al (Crowell)                         |
| 6. HCS for HBs 187 & 235, with SCS<br>(Bartle) (In Fiscal Oversight) | 12. HCS for HB 96, with SCS (Mayer)                       |
| 7. HB 116-Hoskins (Cunningham)                                       | 13. HCS for HB 390, with SCS (Rupp)                       |
| 8. HCS for HB 250, with SCS (Scott)                                  | 14. HCS for HB 1075, with SCS (Griesheimer)               |
| 9. HCS for HB 361 (Purgason)   | 15. HJR 11-McGhee, et al (Scott)<br>(In Fiscal Oversight) |
| 10. HCS for HB 795, with SCS (Purgason)<br>(In Fiscal Oversight)     | 16. HJR 37-Cunningham (Goodman)                           |
|  | 17. HJR 15-Chappelle-Nadal, et al                         |

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 7-Griesheimer, with SS (pending)  | SB 254-Barnitz, with SS (pending)   |
| SB 18-Bray, et al, with SCS & SS for SCS<br>(pending)  | SBs 261, 159, 180 & 181-Bartle and<br>Goodman, with SCS & SS#3 for SCS<br>(pending) |
| SB 29-Stouffer   | SB 264-Mayer  |
| SBs 45, 212, 136, 278, 279, 285 &<br>288-Pearce and Smith, with SCS &<br>SS#3 for SCS (pending)      | SB 267-Mayer and Green, with SA 1<br>(pending)                                      |
| SB 57-Stouffer, with SCS & SA 1 (pending)  | SB 284-Lembke, et al, with SA 1 (pending)   |
| SB 72-Stouffer, with SCS   | SB 299-Griesheimer, with SCS & SS for<br>SCS (pending)                              |
| SB 94-Justus, et al, with SCS & SS for<br>SCS (pending)  | SB 321-Days, et al, with SCS (pending)  |
| SB 174-Griesheimer and Goodman, with<br>SCS, SS#2 for SCS & SA 2 (pending)                           | SB 364-Clemens and Schaefer   |
| SCS for SB 189-Shields   | SB 409-Stouffer, with SCS (pending)   |
| SBs 223 & 226-Goodman and Nodler, with<br>SCS & SA 1 (pending)                                       | SB 477-Wright-Jones, with SS (pending)  |
| SB 228-Scott, with SCS, SS for SCS, SA 12,<br>SSA 1 for SA 12 & SA 1 to SSA 1<br>for SA 12 (pending) | SB 527-Nodler and Bray  |
| SB 236-Lembke  | SB 555-Lager, with SCS, SS for SCS &<br>SA 2 (pending)                              |
|  | SB 569-Lembke, with SCS   |
|  | SB 572-Dempsey and Justus   |
|  | SJR 12-Scott, with SCS (pending)  |

### HOUSE BILLS ON THIRD READING

- |   |  |
|---|--|
| HCS for HBs 46 & 434 (Mayer)                          | HB 170-Cox, et al, with SCS & SS for SCS<br>(pending) (Stouffer) |
| HCS for HB 62, with SCS (Bartle)                      |  |
| HCS for HBs 128 & 340, with SA 1<br>(pending) (Scott) | HCS for HB 191, with SCS & SS for SCS<br>(pending) (Griesheimer) |

HCS for HB 228, with SCS & SS for SCS  
(pending) (Lembke)  
HB 229-Ervin, with SCS, SS for SCS, SA 8,  
SSA 1 for SA 8 & SA 1 to SSA 1  
for SA 8 (pending) (Dempsey)  
HB 258-Jones (89), et al, with SCS &  
SA 1 (pending) (Rupp)  
HB 287-Day, et al, with SS (pending)  
(Mayer)  
HCS for HB 481 (Lembke)  
HB 488-Schad, et al, with SCS (pending)  
(Pearce)

HCS for HB 495, with SCS, SS for SCS, SA 1,  
SSA 2 for SA 1 & SA 1 to SSA 2  
for SA 1 (pending) (Griesheimer)  
SS for SCS for HCS for HB 577 (Rupp)  
(In Fiscal Oversight)  
HCS for HBs 658 & 706 (Clemens)  
HB 659-Dusenberg, et al, with SCS & SA 1  
(pending) (Bartle)  
HCS for HJR 10, with SS (pending)  
(Lembke)  
HCS for HJR 32, with SCA 1 & SA 1 to  
SCA 1 (pending) (Schaefer)

### CONSENT CALENDAR

#### House Bills

Reported 4/15

HCS for HBs 234 & 493 (Shoemyer)

### SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 44-Pearce, with HCS  
SCS for SB 71-Stouffer, with HCS, as amended  
SB 215-Shields, with HCS, as amended  
SB 263-Mayer, with HCS

SB 377-Rupp, with HCS, as amended  
SB 526-Clemens, with HA 1, HA 2, HA 3 &  
HA 4  
SCS for SB 563-Smith, with HCS

### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

#### In Conference

SCS for SBs 36 & 112-Goodman, with HCS  
SB 171-Griesheimer, with HCS, as amended  
SCS for SB 216-Scott, with HCS, as amended  
SB 435-Lembke, with HCS  
SB 464-Stouffer, with HCS, as amended  
HCS for HB 154, with SS, as amended (Shields)

HCS for HB 246, with SA 1 (Purgason)  
HCS for HB 376-Hobbs, et al, with SS for  
SCS, as amended (Griesheimer)  
HB 745-Loehner, et al, with SCS, as  
amended (Clemens)

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order  
(pending)

SCR 7-Pearce

SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)

SCR 11-Bartle, et al

SCR 14-Schmitt

SCR 21-Clemens

SCR 10-Rupp

SCR 18-Bartle and Rupp

SCR 23-Schmitt

HCS for HCR 4 (Lager)

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# Journal of the Senate

## FIRST REGULAR SESSION

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### SEVENTIETH DAY—WEDNESDAY, MAY 13, 2009

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The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Our hope is the hope of God’s power at work evident in the lives of those who claim to be his followers and believers. That is where our hope lies as a nation and as a world.” (Steven Curtis Chapman)

Dear God, we are a hopeful people and are so because we trust in You. Continue to help us remain faithful to what You call us to complete in these last few days. Help us, Lord, to appreciate all those who have worked so hard for us this session and convey our esteem for them. And may we who serve here be a benefit to our state, our country, and our world. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1151, regarding Pastor Vaughn L. Wright, Dexter, which was adopted.

Senator Scott offered Senate Resolution No. 1152, regarding Linda Steward, Lowry City, which was adopted.

Senator Scott offered Senate Resolution No. 1153, regarding the Good Samaritan Boys Ranch, Brighton, which was adopted.

Senator Scott offered Senate Resolution No. 1154, regarding Gary Arthaud, Buffalo, which was adopted.

## MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 386**, entitled:

An Act to repeal sections 48.020, 48.030, 48.050, 49.082, 49.310, 50.343, 50.660, 50.783, 52.230, 52.290, 52.312, 52.361, 52.370, 54.010, 55.030, 55.140, 55.190, 56.700, 64.170, 65.610, 67.280, 67.304, 67.402, 67.456, 67.2000, 84.830, 88.832, 99.710, 99.1082, 99.1088, 99.1090, 99.1092, 115.607, 138.431, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.150, 140.160, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 165.071, 182.647, 221.105, 233.103, 311.060, 319.015, 320.097, 327.272, 429.015, 447.708, 490.240, and 701.355, RSMo, and to enact in lieu thereof eighty-nine new sections relating to political subdivisions, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, House Amendment No. 1 to House Amendment No. 15, House Amendment No. 15, as amended, House Amendment No. 16, House Amendment No. 1 to House Amendment No. 17, House Amendment No. 2 to House Amendment No. 17, House Amendment No. 3 to House Amendment No. 17, House Amendment No. 17, as amended, House Amendment No. 1 to House Amendment No. 18, House Amendment No. 18, as amended, House Amendment Nos. 19, 20, 21, 22, 23, 24, 25 and 26.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 386, Section 91.265, Page 31, Lines 6 - 8, by deleting all of said lines and inserting in lieu thereof the following:

**“sanitary sewer service to all areas presently located within the boundaries of such city if such utility service is not then being provided”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 386, Section 48.030, Page 3, Lines 13-26, by deleting all of said lines and inserting in lieu thereof the following:

**“4. Notwithstanding the provisions of subsection 1 of this section, any county of the third classification without a township form of government and with more than thirty-eight thousand nine hundred but fewer than thirty-nine thousand inhabitants may become a county of the second**

**classification at any time after the assessed valuation of the county is such as to be a county of the second classification and the governing body of the county elects to change classifications. The effective date of such change of classification shall be at the beginning of the county fiscal year following the election by the governing body of the county.**

**5. Except as provided in subsection 4 of this section,** the change from one classification to another shall become effective at the beginning of the county fiscal year following the next general election after the certification by the state equalizing agency for the required number of successive years that the county possesses an assessed valuation placing it in another class. If a general election is held between the date of the certification and the end of the current fiscal year, the change of classification shall not become effective until the beginning of the county fiscal year following the next succeeding general election.”; and

Further amend said Substitute, Section 50.660, Page 8, Line 20, by deleting “**six**” and inserting in lieu thereof “**five**”; and

Further amend said Substitute, Section 50.783, Page 8, Lines 13-14, by deleting “[three] **six thousand**” and inserting in lieu thereof “three thousand **five hundred**”; and

Further amend said Section, Page, and Line, by striking the opening bracket “[“ after the word “purchase”; and

Further amend said Section, Page 9, Line 15, by deleting all of said line and inserting in lieu thereof “estimated expenditure is five thousand **five hundred** dollars or over, the commission shall also advertise”; and

Further amend said Substitute, Section 52.290, Page 9, Line 9, by inserting the following at the end of said line:

**“Notwithstanding provisions of law to the contrary, an authorization for collection of a fee for the collection of delinquent and back taxes in a county’s charter, at a rate different than the rate allowed by law, shall control.”; and**

Further amend said Substitute, Section 55.030, Page 12, Line 22, by deleting “**one thousand**” and inserting in lieu thereof “**two thousand five hundred**”; and

Further amend said Substitute, Section 139.031, Page 48, Line 77, by deleting “8” and inserting in lieu thereof “[8] 7”; and

Further amend said Substitute, Section 140.150, Page 50, Lines 13-16, by deleting all of said Lines and inserting in lieu thereof the following:

**“be by first class mail. A second notice shall be sent by certified mail only if the assessed property valuation is one thousand dollars or greater. If the assessed valuation of the property is less than one thousand dollars, only the first notice shall be required. The postage for the mailing of the notices shall be”; and**

Further amend said Substitute, Section 140.160, Page 51, Line 23, by inserting the following after all of said line:

**“140.170. 1. Except for lands described in subsection 7 of this section, the county collector shall cause a copy of the list of delinquent lands and lots to be printed in some newspaper of general circulation published in the county, for three consecutive weeks, one insertion weekly, before the sale, the last insertion**

to be at least fifteen days prior to the fourth Monday in August.

2. In addition to the names of all record owners or the names of all owners appearing on the land tax book it is only necessary in the printed and published list to state in the aggregate the amount of taxes, penalty, interest and cost due thereon, each year separately stated.

3. To the list shall be attached and in like manner printed and published a notice of said lands and lots stating that said land and lots will be sold at public auction to discharge the taxes, penalty, interest, and costs due thereon at the time of sale in or adjacent to the courthouse of such county, on the fourth Monday in August next thereafter, commencing at ten o'clock of said day and continuing from day to day thereafter until all are offered.

4. The county collector, on or before the day of sale, shall insert at the foot of the list on his record a copy of the notice and certify on his record immediately following the notice the name of the newspaper of the county in which the notice was printed and published and the dates of insertions thereof in the newspaper.

5. The expense of such printing shall be paid out of the county treasury and shall not exceed the rate provided for in chapter 493, RSMo, relating to legal publications, notices and advertisements, and the cost of printing at the rate paid by the county shall be taxed as part of the costs of the sale of any land or lot contained in the list.

6. The county collector shall cause the affidavit of the printer, editor or publisher of the newspaper in which the list of delinquent lands and notice of sale was published, as provided by section 493.060, RSMo, with the list and notice attached, to be recorded in the office of the recorder of deeds of the county, and the recorder shall not charge or receive any fees for recording the same.

7. The county collector may have a separate list of such lands, without legal descriptions or the names of the record owners, printed in a newspaper of general circulation published in such county for three consecutive weeks before the sale of such lands for a parcel or lot of land that:

(1) Has an assessed value of [five hundred] **one thousand** dollars or less and has been advertised previously; or

(2) Is a lot in a development of twenty or more lots and such lot has an assessed value of [five hundred] **one thousand** dollars or less.

The notice shall state that legal descriptions and the names of the record owners of such lands shall be posted at any county courthouse within the county and the office of the county collector.”; and

Further amend said Substitute, Section 140.420, Page 59, Line 9, by inserting the following after all of said line:

“141.160. 1. The general law relating to taxation and the collection of delinquent taxes, as now existing, shall apply to counties of the first class having a charter form of government insofar as not inconsistent with the provisions of sections 141.010 to 141.160, except that counties of the first class operating under a charter form of government may hereafter elect to operate under the provisions of chapter 140, RSMo, the general law relating to the collection of delinquent taxes, by the enactment of an ordinance by the legislative body of such county.

**2. In addition to any other provisions of law related to delinquent tax collection fees, in all counties having a charter form of government and more than six hundred thousand inhabitants, the collector**

**shall collect on behalf of the county and pay into the county general fund an additional fee for the collection of delinquent and back taxes of five percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax.**

3. The provisions of sections 141.010 to 141.160 shall not apply to counties of the first class not having a charter form of government, and such counties shall operate under the provisions of chapter 140, RSMo.”; and

Further amend said Substitute, Section 233.103, Page 62, Line 5, by inserting after “or” the following:

**“in any county of the third classification without a township form of government and with more than nine thousand six hundred fifty but fewer than nine thousand seven hundred fifty inhabitants, or”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 386, Section 67.3000, Page 28, Line 7, by inserting the following after all of said line:

**“70.657. Notwithstanding the provisions of subsection 7 of section 70.655 to the contrary, in no event shall any redetermination of the annual cost of living allowance result in a reduction to the allowance payable, subject to the provisions of subsection 10 of Section 70.655.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 386, Pages 71-74, Section 319.015, Lines 1-106, by removing section 319.015 from said bill.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 386, Section 52.290, Page 9, Line 9 by inserting after all of said line the following:

**“In any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, four-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the county general fund and three-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the county employees’ retirement fund created by sections 50.1000 to 50.1200, RSMo.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 386, Section 304.287, Page 64, Lines 1 and 3, by deleting “304.290” and inserting in lieu thereof “304.297”; and

Further amend said bill, section, and page, Line 8, by inserting after the word “agency” the following **“or contracted with a private vendor that provides said system”;** and

Further amend said Section, Page 65, Line 30, by deleting “light” and inserting in lieu thereof **“red light camera”;** and

Further amend said Section and Page, Line 47, by deleting “**front and**”; and

Further amend said Section and Page, Lines 51-56, by deleting all of said lines and inserting in lieu thereof the following:

**“4. No agency shall use an automated photo red light enforcement system unless the traffic signal is emitting a steady yellow light signal for a minimum of four seconds.**

**5. No agency shall use an automated photo red light enforcement system for the purpose of enforcing right turn violations, however nothing shall prohibit a law enforcement officer from stopping a person and issuing a citation for a right turn violation.**

**6. The automated photo red light enforcement system shall utilize a video recording component which shall record the local time at which the two violation images were captured, as well as at least five seconds before and at least five seconds after the violation event.”;** and renumbering the remaining sections accordingly; and

Further amend said Section and Page, Line 59, by deleting “**304.290**” and inserting “**304.297**”; and

Further amend said Substitute, Section 304.288, Pages 67-68, Lines 1-59, by deleting all of said Section from the bill and inserting in lieu thereof the following:

**304.288. 1. Before a notice may be issued, all violation images produced by a system shall be reviewed and approved by a law or code enforcement officer employed by the agency in which the alleged violation occurred. Such review and acceptance shall be based on a full review of the images that clearly identify the vehicle and demonstrate a violation.**

**2. Based on inspection of recorded images produced by a system, a notice of violation or copy of such notice alleging that the violation occurred and signed manually or digitally by a duly authorized agent of the agency shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under sections 304.287 to 304.297.**

**3. An agency shall mail or cause to be mailed a notice of violation by first class mail to the owner of the motor vehicle, which notice shall include, in addition to the requirements of supreme court rule no. 37:**

**(1) The name and address of the owner of the vehicle;**

**(2) The registration number of the motor vehicle involved in the violation;**

**(3) A copy of the two recorded images and a zoomed image of the vehicle license plate;**

**(4) Information advising the registered owner of how he or she can review the video, photographic, and recorded images that captured the alleged violation. The agency may provide access to the video and other recorded images through the Internet. If access to the video and other recorded images is provided through the Internet, the agency shall ensure that such video and recorded images are accessible only to the registered owner through a password-protected system;**

**(5) A manually or digitally signed statement by a law or code enforcement officer employed by the agency that, based on inspection of the two recorded images and video sequence, the motor vehicle was operated in violation of a traffic control device or prevailing traffic laws or statutes;**

**(6) Information advising the registered owner of the manner, time, and place in which liability as**

alleged in the notice of violation may be contested, and warning that failure to pay the penalty or to contest liability within fourteen days from the mailing of notice is an admission of liability; and

(7) Information advising the registered owner that he or she may file an affidavit under subsection 9 of this section stating that he or she was not the operator of the vehicle at the time of the violation.

4. A penalty imposed for a violation detected pursuant to an automated photo red light enforcement system shall not be deemed a moving violation and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall such imposition of a penalty be subject to a merit rating for insurance purposes and no surcharge points shall be imposed in the provision of motor vehicle insurance coverage.

5. In no case shall points be assessed against any person under section 302.302, RSMo, for a violation detected by an automated photo red light enforcement system.

6. An employee of the applicable law enforcement office shall review the photographic or video evidence from an automated photo red light enforcement system and make a determination as to whether a violation has occurred. If a determination is made that a violation has occurred, a notice of violation or a citation shall be sent by first class mail to the registered owner of the vehicle that was captured by the automated photo red light enforcement system. A notice of violation or citation shall allow for payment of the traffic violation or citation within thirty days of the mailing of the notice. No additional penalty or other costs shall be assessed for nonpayment of a traffic violation or citation that is based solely on evidence obtained from an automated photo red light enforcement system installed to enforce or monitor traffic violations, unless a second notice is sent by first class mail to the registered owner of the motor vehicle and the second notice provides for an additional thirty days for payment of the violation or citation.

7. The following vehicles are exempt from receiving a notice of violation:

- (1) Emergency vehicles with active emergency lights;
- (2) Vehicles moving through the intersection to avoid or clear the way for a marked emergency vehicle;
- (3) Vehicles under police escort; and
- (4) Vehicles in a funeral procession.

8. A fine collected by the agency issuing the violation shall not exceed seventy-five dollars.

9. Payment of the established fine and any applicable civil penalties shall operate as a final disposition of the case. Payment of the fine and any penalties, whether before or after hearing, by one motor vehicle owner shall be satisfaction of the fine as to all other motor vehicle owners of the same motor vehicle for the same violation.

10. In the prosecution of a steady red signal indication violation under sections 304.287 to 304.297, the agency shall have the burden of proving that the vehicle described in the notice of violation issued under this section was operated in violation of sections 304.287 to 304.297 and that the defendant was at the time of such violation the owner of such vehicle. The agency shall not enter into any plea-bargaining agreements in relation to any violation occurring under sections 304.287 to 304.297.”; and

Further amend said Substitute, Section 304.290, Page 69, Line 7, by inserting the following after all of

said line:

**“304.295. Any county or municipal ordinance providing for the use of an automated photo red light enforcement system for enforcement in administrative quasi-judicial or judicial county or municipal proceedings conducted under sections 304.287 to 304.290, which ordinance and penalties were adopted prior to the effective date of this act, is hereby validated, approved, ratified, and confirmed, so that any red light violation found and all fines, penalties, fees, and costs collected pursuant to said ordinance during that period of time shall be valid and fully enforceable.**

**304.297. The provisions of sections 304.287 to 304.290 known as the “Missouri Universal Red Light Enforcement Act” (MURLE) shall not apply to any automated photo red light enforcement system in place prior to the effective date of sections 304.287 to 304.290 until the end of the primary term of such contract and any extension thereto.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 386, Section 3, Page 86 by inserting after all of said Section the following:

**“Section 4. All public advertisements and orders of publication required by law to be made, including but not limited to bids for contracts or purchases by counties described in section 50.060, RSMo, amendments to the Missouri Constitution, legal publications affecting all sales of real estate under a power of sale contained in any mortgage or deed of trust, and other legal publications affecting the title to real estate shall be published in a newspaper of general circulation, qualified under the provisions of section 493.050, RSMo, and persons responsible for orders of publication described in sections 443.310 and 443.320, RSMo, shall be subject to the prohibitions in sections 493.130 and 493.140, RSMo.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 386, Section 67.456, Pages 20-21, Lines 1-21, by deleting all of said Section, Pages, and Lines, and inserting in lieu thereof the following:

**“67.456. 1. The average maturity of bonds or notes issued under the neighborhood improvement district act after August 28, 2004, shall not exceed one hundred twenty percent of the average economic life of the improvements for which the bonds or notes are issued.**

**2. Any improvement for which a petition is filed or an election is held under section 67.457 after August 28, 2004, including improvements to or located on property owned by a city or county, shall include provisions for maintenance of the project during the term of the bonds or notes.**

**3. In the event that, after August 28, 2004, any parcel of property within the neighborhood improvement district is divided into more than one parcel of property after the final costs of the improvement are assessed, all unpaid final costs of the improvement assessed to the original parcel that was divided [shall be recalculated and] may, within sixty days after recordation of proof of division of such parcel in the real property records of the county or city not within a county where the district is located, be reallocated effective as of the next ensuing January first following such division, but only as to the newly created parcels, by the city or county that formed the district. Such reallocation shall be in accordance with**



**the method for assessment of the original parcel set forth in the ballot question or petition related to the formation of the district described in section 67.457, with such amounts to be certified to the county clerk and county collector, or the equivalent officers in a city not within a county, and which amounts shall be used for reassessment of the newly created parcels. If the city or county that formed the district does not reallocate the assessments on the newly created parcels in accordance with the original method of assessment and certify such information to the county clerk and county collector, or the equivalent officers in a city not within a county, within sixty days of recordation of proof of the division of the original parcel, the unpaid cost of the improvements assessed to the original parcel that was divided shall be reassessed proportionally to each of the parcels resulting from the division of the original parcel, based on the assessed valuation of each resulting parcel. No parcel of property which has had the assessment against it paid in full by the property owner shall be reassessed under this section. No parcel of property shall have the initial assessment against it changed, except for any changes for special, supplemental, or additional assessments authorized under the state neighborhood improvement district act.**

67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the “Community Improvement District Act”.

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) “Approval” or “approve”, for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) “Assessed value”, the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) “Blighted area”, an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

(4) “Board”, if the district is a political subdivision, the board of directors of the district, or if the district is a not-for-profit corporation, the board of directors of such corporation;

(5) “Director of revenue”, the director of the department of revenue of the state of Missouri;

(6) “District”, a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) “Election authority”, the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115, RSMo;

(8) “Municipal clerk”, the clerk of the municipality;

(9) “Municipality”, any city, village, incorporated town, or county of this state, or in any unincorporated area that is located in any county with a charter form of government and with more than one million inhabitants;

(10) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) “Owner”, for real property, the individual or individuals or entity or entities who own a fee interest in real property that is located within the district or their legally authorized representative **or representatives**; for business organizations and other entities, the owner shall be deemed to be the individual **or individuals** which [is] **are** legally authorized to represent the entity in regard to the district; **in the case of real property owned by individuals or entities as joint tenants, tenants in common, tenants by the entirety, or tenants in partnership, such joint tenants, tenants in common, tenants by the entirety, or tenants in partnership shall be considered one owner collectively for purposes of any vote cast or petition executed**;

(12) “Per capita”, one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety, tenants in partnership, except that with respect to a condominium created under sections 448.1-101 to 448.4-120, RSMo, “per capita” means one head count applied to the applicable unit owners’ association and not to each unit owner;

(13) “Petition”, a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) “Qualified voters”,

(a) For purposes of elections for approval of real property taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property which is to be subject to such real property taxes and is located within the district per the [tax] **real estate** records [for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county] **of the recorder of deeds where the district is located**, as of the thirtieth day prior to the date of the applicable election;

(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the [tax] **real estate** records [for real property of the county clerk] **of the recorder of deeds where the district is located** as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board[,]:

a. Registered voters [and]; or

b. **If no registered voters reside in the district**, the owners of **one or more parcels of** real property [which is not exempt from assessment or levy of taxes by the district and which is] located within the district per the [tax] **real estate** records [for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county] **of the recorder of deeds where the district is located**, of the thirtieth day prior to the date of the applicable election; and

**(d) Provided that, for the purposes of any election, each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an applicable mechanism for action for such voter. If a voter has no such mechanism, then its vote shall be cast by agreement of such individuals or entities as would be required under applicable law to convey by deed the entire parcel of property owned;**

(15) “Registered voters”, persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.

67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.

2. A petition is proper if, based on the [tax] **real estate** records of the [county clerk, or the collector of revenue if the district is located in a city not within a county] **recorder of deeds where the district is located**, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value, **as reflected by the tax records of the county where the proposed district is located**, of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

(a) The legal description of the proposed district, including a map illustrating the district boundaries;

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

(d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred;

(e) A statement as to whether the district will be a political subdivision or a not for profit corporation and if it is to be a not for profit corporation, the name of the not for profit corporation;

(f) If the district is to be a political subdivision, a statement as to whether the district will be governed by a board elected by the **qualified voters in the** district or whether the board will be appointed by the municipality, and, if the board is to be elected by the **qualified voters in the** district, the names and terms of the initial board may be stated;

(g) If the district is to be a political subdivision, the number of directors to serve on the board;

(h) The total assessed value, **as reflected by the tax records of the county where the proposed district is located**, of all real property within the proposed district;

(i) A statement as to whether the petitioners are seeking a determination that the proposed district, or

any legally described portion thereof, is a blighted area;

(j) The proposed length of time for the existence of the district;

(k) The maximum rates of real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, that may be submitted to the qualified voters for approval;

(l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;

(m) The limitations, if any, on the borrowing capacity of the district;

(n) The limitations, if any, on the revenue generation of the district;

(o) Other limitations, if any, on the powers of the district;

(p) A request that the district be established; and

(q) Any other items the petitioners deem appropriate; and

(4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information:

Name of owner: . . . . .

Owner's telephone number and mailing address: . . . . .

If signer is different from owner:

Name of signer: . . . . . State basis of legal authority to sign: . . . . .

Signer's telephone number and mailing address: . . . . .

If the owner is an individual, state if owner is single or married: . . . . .

If owner is not an individual, state what type of entity: . . . .

Map and parcel number and assessed value of each tract of real property within the proposed district owned:

. . . . .

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

. . . . .

Signature of person signing for owner    Date

STATE OF MISSOURI )

) ss.

COUNTY OF . . . . )

Before me personally appeared . . . . ., to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this . . . . . day of . . . . . (month), . . . . . (year).

. . . . .

Notary Public

My Commission Expires: . . . . .

3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to exceed ninety days after receipt of the petition, review and determine whether the petition substantially complies with the requirements of subsection 2 of this section. In the event the municipal clerk receives a petition which does not meet the requirements of subsection 2 of this section, the municipal clerk shall, within a reasonable time, return the petition to the submitting party by hand delivery, first class mail, postage prepaid or other efficient means of return and shall specify which requirements have not been met.

4. After the close of the public hearing required pursuant to subsection 1 of this section, the governing body of the municipality may adopt an ordinance approving the petition and establishing a district as set forth in the petition and may determine, if requested in the petition, whether the district, or any legally described portion thereof, constitutes a blighted area.

5. Amendments to a petition may be made which do not change the proposed boundaries of the proposed district if an amended petition meeting the requirements of subsection 2 of this section is filed with the municipal clerk at the following times and the following requirements have been met:

(1) At any time prior to the close of the public hearing required pursuant to subsection 1 of this section; provided that, notice of the contents of the amended petition is given at the public hearing;

(2) At any time after the public hearing and prior to the adoption of an ordinance establishing the proposed district; provided that, notice of the amendments to the petition is given by publishing the notice in a newspaper of general circulation within the municipality and by sending the notice via registered certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district per the [tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county] **real estate records of the recorder of deeds where the district is located as of a date no earlier than thirty days prior to the mailing**. Such notice shall be published and mailed not less than ten days prior to the adoption of the ordinance establishing the district;

(3) At any time after the adoption of any ordinance establishing the district a public hearing on the amended petition is held and notice of the public hearing is given in the manner provided in section 67.1431 and the governing body of the municipality in which the district is located adopts an ordinance approving the amended petition after the public hearing is held.

6. Upon the creation of a district, the municipal clerk shall report in writing the creation of such district to the Missouri department of economic development.

67.1451. 1. If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with chapter 355, RSMo.

2. The district shall be governed by a board consisting of at least five but not more than thirty directors. Each director shall, during his or her entire term, be:

(1) At least eighteen years of age; and

(2) Be either:

(a) An owner, as defined in section 67.1401, of real property or of a business operating within the district; or

(b) A registered voter residing within the district; and

(3) Any other qualifications set forth in the petition establishing the district. If there are fewer than five owners of real property located within a district, the board may be comprised of up to five legally authorized representatives of any of the owners of real property located within the district **or of any of the businesses operating within the district.**

3. If the district is a political subdivision, the board shall be elected or appointed, as provided in the petition.

4. If the board is to be elected, the procedure for election shall be as follows:

(1) The municipal clerk shall specify a date on which the election shall occur which date shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

(2) The election shall be conducted in the same manner as provided for in section 67.1551, provided that the published notice of the election shall contain the information required by section 67.1551 for published notices, except that it shall state that the purpose of the election is for the election of directors, in lieu of the information related to taxes;

(3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than the second Tuesday after the effective date of the ordinance establishing the district with the municipal clerk a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(4) The director or directors to be elected shall be elected at large. The person receiving the most votes shall be elected to the position having the longest term; the person receiving the second highest votes shall be elected to the position having the next longest term and so forth. For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for a two-year term, one-half shall serve for a four-year term and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected. For any district formed on or after August 28, 2003, for the initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected, **provided that if the terms of directors cannot be divided in accordance with this section because such directors received the same number of votes, the directors serving two- and four-year terms shall be designated either:**

(a) **By a majority vote of directors at the first meeting thereof; or**

(b) **If not determined under paragraph (a) of this subdivision, then thereafter by lot conducted by the election authority, after notification to the candidates of the time and place of such drawing;**

(5) Successor directors shall be elected in the same manner as the initial directors. The date of the election of successor directors shall be specified by the municipal clerk which date shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the expiring director. **If no registered voters reside in the district, then in lieu of the election referenced in this subsection, successor**

**directors may be elected by the qualified voters at a meeting of the qualified voters called by the board for such purpose. For the purposes of such meeting, qualified voters may participate and vote by proxy or in any manner permitted by chapter 610, RSMo. If a qualified voter is participating in the meeting by proxy, the proxy shall be granted in writing and filed with the board of directors of the district at the meeting. At any such meeting, attendance by qualified voters owning in the aggregate more than fifty percent of the total acreage owned by qualified voters shall constitute a quorum. Each qualified voter shall be entitled to one vote per acre, prorated to the nearest one-tenth of an acre.** Each successor director shall serve a term for the length specified prior to the election by the **qualified voters of the** district, which term shall be at least three years and not more than four years, and shall continue until such director's successor is elected. In the event of a vacancy on the board of directors, the remaining directors shall elect an interim director to fill the vacancy for the unexpired term.

5. If the petition provides that the board is to be appointed by the municipality, such appointments shall be made by the chief elected officer of the municipality with the consent of the governing body of the municipality. For any district formed prior to August 28, 2003, of the initial appointed directors, one-half of the directors shall be appointed to serve for a two-year term and the remaining one-half shall be appointed to serve for a four-year term until such director's successor is appointed; provided that, if there is an odd number of directors, the last person appointed shall serve a two-year term. For any district formed on or after August 28, 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term, and one-half shall be appointed to serve for the term specified by the district for successor directors pursuant to this subsection, and if an odd number of directors are appointed, the last person appointed shall serve for a two-year term; provided that each director shall serve until such director's successor is appointed. Successor directors shall be appointed in the same manner as the initial directors and shall serve for a term of years specified by the district prior to the appointment, which term shall be at least three years and not more than four years.

6. If the petition states the names of the initial directors, those directors shall serve for the terms specified in the petition and successor directors shall be determined either by the above-listed election process or appointment process as provided in the petition.

7. Any director may be removed for cause by a two-thirds affirmative vote of the directors of the board. Written notice of the proposed removal shall be given to all directors prior to action thereon.

8. The board is authorized to act on behalf of the district, subject to approval of qualified voters as required in this section; except that, all official acts of the board shall be by written resolution approved by the board.

67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property [within its boundaries], personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

(13) To loan money as provided in sections 67.1401 to 67.1571;

(14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

(15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance [within the boundaries of the district] including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

(16) [Within its boundaries,] To provide assistance to or to construct, reconstruct, install, repair, maintain, **operate**, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees, and any other landscape;



- (c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;
  - (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;
  - (e) Parking lots, garages, or other facilities;
  - (f) Lakes, dams, and waterways;
  - (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;
  - (h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;
  - (i) Paintings, murals, display cases, sculptures, and fountains;
  - (j) Music, news, and child-care facilities; and
  - (k) Any other useful, necessary, or desired improvement;
- (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;
- (18) [Within its boundaries and] With the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;
- (19) [Within its boundaries,] To **acquire, operate, construct, improve,** or to contract for the provision of music, news, child-care, or parking facilities[, and buses, minibuses, or other modes of transportation];
- (20) **To acquire, operate, or to contract for the provision of buses, minibuses, or other modes of transportation;**
- (21) Within its boundaries, to lease space for sidewalk café tables and chairs;
- [(21) Within its boundaries,] (22) To provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons **within the boundaries of the district;**
- [(22)] (23) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property;
- [(23)] (24) To produce and promote any tourism, recreational or cultural activity or special event [in] **benefiting** the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;
- [(24)] (25) To support business activity and economic development [in] **benefiting** the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;
- [(25)] (26) To provide or support training programs for employees of businesses within the district;
- [(26)] (27) To provide refuse collection and disposal services within the district;
- [(27)] (28) To contract for or conduct economic, planning, marketing or other studies;
- [(28)] (29) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and

[(29)] **(30)** To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to **acquire property and to** demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned **or to be owned** by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

67.1521. 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district **which is to be subject to special assessments**; and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district **which is to be subject to special assessments**.

2. The special assessment petition shall be in substantially the following form:

The ..... (insert name of district) Community Improvement District ("District") shall be authorized to levy special assessments against real property benefited within the District for the purpose of providing revenue for ..... (insert general description of specific service and/or projects) in the district, such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by ..... (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed ..... dollars per (insert unit of measure). Such authorization to levy the special assessment shall expire on ..... (insert date). The tracts of land located in the district which will receive special benefit from this service and/or projects are: ..... (list of properties by common addresses and legal

descriptions).

3. The method for allocating such special assessments set forth in the petition may be any reasonable method which results in imposing assessments upon real property benefited in relation to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to provide such benefit.

4. By resolution of the board, the district may levy a special assessment rate lower than the rate ceiling set forth in the petition authorizing the special assessment and may increase such lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth in the petition without further approval of the real property owners; provided that a district imposing a special assessment pursuant to this section may not repeal or amend such special assessment or lower the rate of such special assessment if such repeal, amendment or lower rate will impair the district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations that it has issued.

5. Each special assessment which is due and owing shall constitute a perpetual lien against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the same manner as any other special assessment lien as provided in section 88.861, RSMo.

6. A separate fund or account shall be created by the district for each special assessment levied and each fund or account shall be identifiable by a suitable title. The proceeds of such assessments shall be credited to such fund or account. Such fund or account shall be used solely to pay the costs incurred in undertaking the specified service or project.

7. Upon completion of the specified service or project or both, the balance remaining in the fund or account established for such specified service or project or both shall be returned or credited against the amount of the original assessment of each parcel of property pro rata based on the method of assessment of such special assessment.

8. Any funds in a fund or account created pursuant to this section which are not needed for current expenditures may be invested by the board in accordance with applicable laws relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812, RSMo, shall not apply to any district.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by [mail-in ballot,] **any method specified in subsection 3 or 11 of this section**, a proposal to authorize a sales and use tax pursuant to this section. **In the case of an election**, if a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted[.], **and** if a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the ..... (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of the purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

**3. Upon passage of the resolution described in subsection 1 of this section, in lieu of the election referenced in subsection 1 of this section, if no registered voters reside within the district, one hundred percent of the owners of real property in the district, according to real estate records of the recorder of deeds where the district is located as of the date of the submission of the petition to the board of directors of such district as described in this subsection, may authorize a sales and use tax by unanimous petition. Such petition shall state that the undersigned approve the resolution of the board imposing the sales tax. The signature block for each owner signing the petition shall be in substantially the form set forth in subdivision (4) of subsection 2 of section 67.1421 and shall contain the same information. Such petition shall be submitted to the board of directors of the district who shall verify that no registered voters reside within the district and the signatures thereon represent one hundred percent of the owners of real property in the district. The results of such verification shall be entered into the records of the district, and the date of such entry shall be equivalent of the date of the election held under subsection 1 of this section.**

**4.** Within ten days after the qualified voters have approved the imposition of the sales and use tax, **or within ten days after district verification as provided in subsection 3 of this section**, the district shall, in accordance with section 32.087, RSMo, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

[4.] **5.** The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087, RSMo.

[5.] **6.** In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer’s sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

[6.] **7.** In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285, RSMo.

[7.] **8.** The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.

[8.] **9.** All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely

for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

[9.] **10.** A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

[10.] **11.** Notwithstanding the provisions of [chapter 115, RSMo, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section] **sections 115.001 to 115.641, RSMo, the district may elect to proceed with the election under the provisions of sections 115.001 to 115.646, RSMo, or sections 115.650 to 115.660, RSMo, whether or not registered voters reside within the district.**

67.1551.1. Notwithstanding the provisions of chapter 115, RSMo, an election for real estate tax pursuant to sections 67.1401 to 67.1571 shall be conducted in accordance with the provisions of this section.

2. After the board has passed a resolution for the levy of real property tax and a vote of the qualified voters is required, the board shall provide written notice of such resolution to the election authority. The board shall be entitled to rescind such resolution provided that written notice of such rescission is delivered to the election authority prior to the time the election authority mails the ballots to the qualified voters.

3. Upon receipt of written notice of a district's resolution for the levy of a real property tax the election authority shall:

(1) Specify a date upon which the election shall occur which date shall be a Tuesday, and shall be not earlier than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date of the board's passage of the resolution and shall not be on the same day as an election conducted pursuant to the provisions of chapter 115, RSMo;

(2) Publish notice of the election in a newspaper of general circulation within the municipality two times. The first publication date shall be more than sixty days prior to the date of the election and the second publication date shall be not more than thirty days and not less than ten days prior to the date of the election. The published notice shall include, but not be limited to, the following information:

- (a) The name and general boundaries of the district;
- (b) The type of tax proposed, its rate, purpose and duration;
- (c) The date the ballots for the election shall be mailed to qualified voters;
- (d) The date of the election;
- (e) Qualified voters will consist of:

a. Such persons who reside within the district and who are registered voters pursuant to the records of the election authority as of the thirtieth day prior to the date of the election; or

b. If no such registered voters reside in the district, the owners of real property located within the district [pursuant to the tax records of the county clerk, or the collector of revenue if the district is located in a city

not within a county] **per the real estate records of the recorder of deeds where the district is located**, for real property as of the thirtieth day prior to the date of the election;

(f) A statement that persons residing in the district shall register to vote with the election authority on or before the thirtieth day prior to the date of the election in order to be a qualified voter for purposes of the election;

(g) A statement that the ballot must be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked, not later than the date of the election; and

(h) A statement that any qualified voter that did not receive a ballot in the mail or lost the ballot received in the mail may pick up a mail-in ballot at the election authority's office, specifying the dates and time such ballot will be available and the location of the election authority's office;

(3) The election authority shall mail to each qualified voter not more than fifteen days and not less than ten days prior to the date of the election together with a notice containing substantially the same information as the published notice and a return addressed envelope directed to the election authority's office with a sworn affidavit on the reverse side of such envelope for the qualified voter's signature. For purposes of mailing ballots to real property owners only one ballot shall be mailed per capita at the address shown on the records of the county clerk, or the collector of revenue if the district is located in a city not within a county. Such affidavit shall be in substantially the following form: FOR REGISTERED VOTERS:

I hereby declare under penalties of perjury that I reside in the ..... (insert name) Community Improvement District and I am a registered voter and qualified to vote in this election.

.....

Qualified Voter's Signature

.....

Printed Name of Qualified Voter

**FOR REAL PROPERTY OWNERS:**

I hereby declare under penalty of perjury that I am the owner of real property in the ..... (insert name) Community Improvement District and qualified to vote in this election, or authorized to affix my signature on behalf of the owner (named below) of real property in the ..... (insert name) Community Improvement District which is qualified to vote in this election.

.....

Signature

.....

Print Name of Real Property Owner

If Signer is Different from Owner:

Name of Signer: ..... State Basis of Legal Authority to Sign: ..... All persons or entities having a fee ownership in the property shall sign the ballot. Additional signature pages may be affixed to this ballot to accommodate all required signatures.

4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the authorized signature.

5. Mail-in ballots shall be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked, no later than the date of the election. The election authority shall transmit all voted ballots to a team of judges of not less than four, with an equal number from each of the two major political parties. The judges shall be selected by the municipal clerk from lists compiled by the election authority. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the election authority. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115, RSMo.

6. The results of the election shall be entered upon the records of the election authority and a certified copy of the election results shall be filed with the municipal clerk, who shall cause the same to be entered upon the records of the municipal clerk.

7. The district shall reimburse the election authority for the costs it incurs to conduct an election under this section.”; and

Further amend said Substitute, Section 99.710, Page 32, Line 4, by inserting the following after all of said line:

“99.865. 1. Each year the governing body of the municipality, or its designee, shall prepare a report concerning the status of each redevelopment plan and redevelopment project, and shall submit a copy of such report to the director of the department of economic development. The report shall include the following:

- (1) The amount and source of revenue in the special allocation fund;
- (2) The amount and purpose of expenditures from the special allocation fund;
- (3) The amount of any pledge of revenues, including principal and interest on any outstanding bonded indebtedness;
- (4) The original assessed value of the redevelopment project;
- (5) The assessed valuation added to the redevelopment project;
- (6) Payments made in lieu of taxes received and expended;
- (7) The economic activity taxes generated within the redevelopment area in the calendar year prior to the approval of the redevelopment plan, to include a separate entry for the state sales tax revenue base for the redevelopment area or the state income tax withheld by employers on behalf of existing employees in the redevelopment area prior to the redevelopment plan;
- (8) The economic activity taxes generated within the redevelopment area after the approval of the redevelopment plan, to include a separate entry for the increase in state sales tax revenues for the redevelopment area or the increase in state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;
- (9) Reports on contracts made incident to the implementation and furtherance of a redevelopment plan or project;

(10) A copy of any redevelopment plan, which shall include the required findings and cost-benefit analysis pursuant to subdivisions (1) to (6) of section 99.810;

(11) The cost of any property acquired, disposed of, rehabilitated, reconstructed, repaired or remodeled;

(12) The number of parcels acquired by or through initiation of eminent domain proceedings; and

(13) Any additional information the municipality deems necessary.

2. Data contained in the report mandated pursuant to the provisions of subsection 1 of this section and any information regarding amounts disbursed to municipalities pursuant to the provisions of section 99.845 shall be deemed a public record, as defined in section 610.010, RSMo. An annual statement showing the payments made in lieu of taxes received and expended in that year, the status of the redevelopment plan and projects therein, amount of outstanding bonded indebtedness and any additional information the municipality deems necessary shall be published in a newspaper of general circulation in the municipality.

3. Five years after the establishment of a redevelopment plan and every five years thereafter the governing body shall hold a public hearing regarding those redevelopment plans and projects created pursuant to sections 99.800 to 99.865. The purpose of the hearing shall be to determine if the redevelopment project is making satisfactory progress under the proposed time schedule contained within the approved plans for completion of such projects. Notice of such public hearing shall be given in a newspaper of general circulation in the area served by the commission once each week for four weeks immediately prior to the hearing.

4. The director of the department of economic development shall submit a report to the **state auditor**, **the** speaker of the house of representatives and the president pro tem of the senate no later than February first of each year. The report shall contain a summary of all information received by the director pursuant to this section.

5. For the purpose of coordinating all tax increment financing projects using new state revenues, the director of the department of economic development may promulgate rules and regulations to ensure compliance with this section. Such rules and regulations may include methods for enumerating all of the municipalities which have established commissions pursuant to section 99.820. No rule or portion of a rule promulgated under the authority of sections 99.800 to 99.865 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. The department of economic development shall provide information and technical assistance, as requested by any municipality, on the requirements of sections 99.800 to 99.865. Such information and technical assistance shall be provided in the form of a manual, written in an easy-to-follow manner, and through consultations with departmental staff.

**7. Any municipality which fails to comply with the reporting requirements provided in this section shall be prohibited from implementing any new tax increment finance project for a period of no less**



than five years from such municipality's failure to comply.

**8. Based upon the information provided in the reports required under the provisions of this section, the state auditor shall make available for public inspection on the auditor's web site, a searchable electronic database of such municipal tax increment finance reports. All information contained within such database shall be maintained for a period of no less than ten years from initial posting.”; and**

Further amend said Substitute, Section 99.1092, Page 42, Line 51, by inserting the following after all of said line:

“105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) “Governing body”, the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) “Political subdivision”, any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

**8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275, RSMo. Any transportation development district that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine not to exceed fifty dollars per day.”; and**

Further amend said Substitute, Section 233.103, Page 63, Line 9, by inserting the following after all of said line:

“238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

(1) “Board”, the board of directors of a district;

(2) “Commission”, the Missouri highways and transportation commission;

(3) “District”, a transportation development district organized under sections 238.200 to 238.275;

(4) “Local transportation authority”, a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;

(5) **“Owner”, the individual or individuals or entity or entities who own a fee interest in real property that is located within the district or their legally authorized representative or representatives; in the case of real property owned by individuals or entities as joint tenants, tenants in common, tenants by the entirety, or tenants in partnership, such joint tenants, tenants in common, tenants by the entirety, or tenants in partnership shall be considered one owner collectively for purposes of any vote cast or petition executed;**

(6) “Project” includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.

2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.200 to 238.275, the following terms shall have the meanings given:

(1) “Approval of the required majority” or “direct voter approval”, a simple majority;

(2) “Qualified electors”, “qualified voters” or “voters”:

(a) Within a proposed or established district, [except for a district proposed under subsection 1 of section 238.207,] any persons residing therein who have registered to vote pursuant to chapter 115, RSMo; or

(b) [Within a district proposed or established under subsection 1 of section 238.207 which has no persons residing therein who have registered to vote pursuant to chapter 115, RSMo] **If no persons registered to vote under chapter 115, RSMo, reside within the proposed or established district**, the owners of record of all real property located in the **proposed or established** district, who shall receive one vote per acre **owned, prorated to the nearest one-tenth of an acre** [, provided that if a registered voter subsequent to the creation of the district becomes a resident within the district and obtains ownership of property within the district, such registered voter must elect whether to vote as an owner of real property or as a registered voter, which election once made cannot thereafter be changed]; **or**

(c) **Within a district proposed or established under subsection 6 of section 238.207, any persons residing therein who have registered to vote under chapter 115, RSMo, and the owners of record of all real property located in the proposed or established district, who shall each receive one vote; provided that any registered voter who also owns property in the proposed or established district must elect at each election whether to vote as an owner or a registered voter and may not receive more than one vote;**

(3) “Registered voters”, persons qualified and registered to vote pursuant to chapter 115, RSMo.

238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The estimated project costs and the anticipated revenues to be collected from the project;

(6) The name of the proposed district;

(7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; [and]

(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable; **and**

**(12) Details of the budgeted expenditures, including estimated expenditures for real physical improvements, estimated land acquisition expenses, estimated expenses for professional services.**

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district; or, if not less than fifty registered voters from each of two or more counties sign a petition calling for the joint establishment of a district for the purpose of developing a project that lies in whole or in part within those same counties, the petition may be filed in the circuit court of any of those counties in which not less than fifty registered voters have signed the petition.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty registered voters in each of two or more counties, it shall set forth the name, voting residence, and county of residence of each individual petitioner;

(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

**6. Notwithstanding other provisions of this section to the contrary, in any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants, the owners of record of a majority by acreage of the real property, except public streets, located within the proposed district may file a petition in the circuit court of that county requesting the creation of a district. The petition shall set forth:**

**(1) For each owner of record of real property located within the proposed district, the name, address, and acreage of real property owned within the proposed district;**

**(2) The total acreage of real property located within the proposed district;**

**(3) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;**

**(4) A specific description of the proposed district boundaries including a map illustrating such boundaries;**

**(5) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;**

**(6) The estimated project costs and the anticipated revenues to be collected from the project;**

**(7) The name of the proposed district;**

**(8) The number of members of the board of directors of the proposed district;**

**(9) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;**

**(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.280, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and**

**(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.**

238.208. 1. The owners of property adjacent to a transportation district formed under the Missouri transportation development district act may petition the court by unanimous petition to add their property to the district. If the property owners within the transportation development district unanimously approve of the addition of property, the adjacent properties in the petition shall be added to the district. [Any property added under this section shall be subject to all projects, taxes, and special assessments in effect as of the date of the court order adding the property to the district. The owners of the added property shall be allowed to vote at the next election scheduled for the district to fill vacancies on the board and on any other question submitted to them by the board under this chapter. The owners of property added under this section shall have one vote per acre in the same manner as provided in subdivision (2) of subsection 2 of section 238.220.]

**2. (1) As an alternative to the method described in subsection 1 of this section, at any time during the existence of a district, the board of directors of such district may pass a resolution to add property to the district's boundaries; provided that:**

**(a) A verified petition signed by all of the qualified voters within the area proposed to be added to the district requesting the additional property be added to the boundaries of the district is filed with the board of directors. The petition shall include a notice that the signatures of the owners may not be withdrawn later than seven days after the petition is filed with the district; and**

**(b) The board of directors of the district holds a public hearing concerning the matter not less than fourteen and not more than sixty days after the verified petition is received and gives notice of the public hearing by publication in a newspaper of general circulation within the district once a week for two consecutive weeks prior to the week of the public hearing and registered or certified United States mail with a return receipt attached to all of the qualified voters within the area proposed to be added to the district not less than fifteen days prior to the public hearing. The published and mailed notices shall include the following:**

**a. The date, time, and place of the public hearing;**

**b. A statement that a petition to amend the boundaries of the district has been filed with the board of directors of the district;**

**c. A specific description of the property to be added to the district's boundaries and a map illustrating the proposed boundaries;**

**d. A statement that a copy of the petition is available for review at the principal office of the district during regular business hours; and**

**e. A statement that all interested persons shall be given an opportunity to be heard at the public hearing and may submit written objections to the proposed amendment to the district's boundaries which shall be fairly and duly considered by the board of directors;**

**(c) The board of directors of the district finds that:**

**a. The amended district boundaries meet the requirements of subsection 3 of section 238.207;**

**b. Any funding mechanism currently in effect within the district shall extend to the additional property;**

**c. The district shall not be an undue burden on any owner of property within the district; and**

**d. The amendment to the district's boundaries is not unjust or unreasonable; and**

**(d) No written objection to the proposed amendment to the district's boundaries signed by at least ten percent of the qualified voters of the district is filed with the board of directors of the district within seven days after the close of the public hearing.**

**(2) If a written objection to the proposed amendment to the district's boundaries signed by at least ten percent of the qualified voters of the district is filed with the board of directors of the district within seven days after the close of the public hearing, the board of directors shall submit the question whether to amend the district's boundaries to the qualified voters within the proposed limits of the district. If the question is approved by the majority of qualified voters within the proposed limits of the district, the board of directors shall extend the district's boundaries by resolution.**

**(3) Any resolution passed by the board of directors of a district under this subsection shall include a specific description of the district's new boundary and the funding mechanisms currently in effect within the district.**

**(4) Upon passage of a resolution under this subsection, the district shall file a certified copy of the resolution and the verified petition with the circuit court of the county in which the petition creating the district was filed and request that the court enter its judgment that the district's boundaries be amended. The court shall hear the case without a jury. If the resolution is not defective, the proposed amendment to the district's boundary is not illegal, unconstitutional, unjust, or unreasonable and the district is not an undue burden on any owner of property within the district, the court shall enter its judgment to that effect.**

**(5) The district shall also cause a certified copy of the resolution to be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission.**

**3. Any property added to a district under subsection 1 or 2 of this section shall be subject to all funding mechanisms, projects, and obligations of the district as of the date of the court order adding the property to the district. The owners of the added property shall have the same rights as any existing property owner within the district.**

**4. The owners of all of the property located in a transportation development district formed under this chapter may, by unanimous petition filed with the board of directors of the district, remove any property from the district, so long as such removal will not materially affect any obligations of the district.**

**238.210. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve a copy of the petition on the respondents who shall have thirty days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. If any respondent files its answer opposing the creation of the district, it shall recite legal reasons why the petition is defective, why the proposed district is illegal or unconstitutional, or why the proposed method for funding the district is illegal or unconstitutional. The respondent shall ask the court for a declaratory judgment respecting these issues. The answer of each respondent shall be served on each petitioner and every other respondent named in the petition. Any resident, taxpayer, any other entity, or any local transportation authority within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a declaratory judgment respecting these same issues within thirty days after the date notice is last published by the circuit clerk.**

2. The court shall hear the case without a jury. If the court shall thereafter determine the petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue burden on any owner of property within the district or is unjust and unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to make the certifications requested in the pleadings. If the court determines that any proposed funding method is illegal or unconstitutional, it shall enter its judgment striking that funding method in whole or part. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect. If the petition was filed by registered voters or by a governing body, the court shall then certify the questions regarding district creation, project development, and proposed funding for voter approval. If the petition was filed by a governing body, or by no less than fifty registered voters of two or more counties, pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207**, the court shall then certify the single question regarding district creation, project development, and proposed funding for voter approval. If the petition was filed by the owners of record of all of the real property located within the proposed district, the court shall declare the district organized and certify the funding methods stated in the petition for qualified voter approval; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230. In either case, if no objections to the petition are timely filed, the court may make such certifications based upon the pleadings before it without any hearing.

3. Any party having filed an answer or petition may appeal the circuit court's order or declaratory judgment in the same manner provided for other appeals. The circuit court shall have continuing jurisdiction to enter such orders as are required for the administration of the district after its formation.

238.212. 1. If the petition was filed by registered voters, [or] by a governing body **or pursuant to subsection 6 of section 238.207**, the circuit clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

NOTICE OF PETITION TO SUBMIT TO A  
POPULAR VOTE THE CREATION AND  
FUNDING OF A TRANSPORTATION  
DEVELOPMENT DISTRICT

Notice is hereby given to all persons residing or owning property in (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that upon voter approval, a transportation development district by the name of "..... Transportation Development District" be formed for the purpose of developing the following transportation project: (here summarize the proposed transportation project or projects). The petition also requests voter approval of the following method(s) of funding the district, which (may) (shall not) increase the total taxes imposed within the proposed district: (describe the proposed funding methods). A copy of this petition is on file and available at the office of the clerk of the circuit court of ..... County, located at ....., Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the transportation development district and requesting a declaratory judgment, as required by law, no later than the ..... day of ....., 20.. . You may show cause, if any there be, why such petition is defective or proposed transportation development district or its funding method, as set forth in the petition, is illegal or



unconstitutional and should not be submitted for voter approval at a general, primary or special election as directed by this court. .... Clerk of the Circuit Court of ..... County

2. The circuit court may also order a public hearing on the question of the creation and funding of the proposed district, if it deems such appropriate, under such terms and conditions as it deems appropriate. If a public hearing is ordered, notice of the time, date and place of the hearing shall also be given in the notice specified in subsection 1 of this section.

238.215. 1. If the circuit court certifies the petition for voter approval, it shall call an election pursuant to section 238.216.

2. At such election for voter approval of the qualified voters, the questions shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a transportation development district, to be known as the “..... Transportation Development District” for the purpose of developing the following transportation project: (here summarize the proposed project or projects and require each voter to approve or disapprove of each project) and have the power to fund the proposed project upon separate voter approval by any or all of the following methods: (here specifically describe the proposed funding methods and require each voter to approve or disapprove of each proposed funding method)?

3. (1) If the petition was filed pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207** and the district desires to impose a sales tax as the only proposed funding mechanism, at such election for voter approval of the qualified voters, the question shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a transportation development district, to be known as the “..... Transportation Development District” for the purpose of developing the following transportation project: (here summarize the proposed project or projects) and be authorized to impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of funding the transportation project or projects?

(2) If the petition was filed pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207** and the district desires to impose a funding mechanism other than a sales tax, at such election for voter approval of the qualified voters, the question shall be submitted in substantially the form set forth in subsection 2 of this section and the proposed funding mechanism shall require separate voter approval at a subsequent election.

4. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission. If the results show that a majority of the votes cast by the qualified voters were in favor of organizing the transportation development district, the circuit court having jurisdiction of the matter shall declare the district organized and certify the funding methods approved by the qualified voters. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the organization of the district, the circuit court shall declare that the question has failed to pass, and the same question shall

not be again submitted for voter approval for two years.

5. Notwithstanding the foregoing, if the election was held pursuant to subsection 3 of this section, the results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies. If the results show that a majority of the votes cast by the qualified voters were in favor of the proposition, the circuit court having jurisdiction of the matter shall declare the district organized and the funding methods approved by the qualified voters to be in effect. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the proposition, the circuit court shall declare that the question has failed to pass. A new petition shall be filed pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207, as applicable**, prior to the question being again submitted for voter approval.

238.216. 1. Except as otherwise provided in section 238.220 with respect to the election of directors, in order to call any election required or allowed under sections 238.200 to 238.275, the circuit court shall:

(1) Order the county clerk to cause the questions to appear on the ballot on the next regularly scheduled general, primary or special election day, which date shall be the same in each county or portion of a county included within and voting upon the proposed district;

(2) If the election is to be a mail-in election, specify a date on which ballots for the election shall be mailed, which date shall be a Tuesday, and shall be not earlier than the eighth Tuesday from the issuance of the order, and shall not be on the same day as an election conducted under the provisions of chapter 115, RSMo; or

(3) If all the owners of property in the district joined in the petition for formation of the district, such owners may cast their ballot by unanimous verified petition approving any measure submitted to them as voters pursuant to this chapter. Each owner shall receive one vote per acre owned, **prorated to the nearest one-tenth of an acre.** [Fractional votes shall be allowed.] The verified petition shall be filed with the circuit court clerk. The filing of a unanimous petition shall constitute an election under sections 238.200 to 238.275 and the results of said election shall be entered pursuant to subsection 6 of this section.

2. Application for a ballot shall be conducted as follows:

(1) Only qualified voters shall be entitled to apply for a ballot;

(2) Such persons shall apply with the clerk of the circuit court in which the petition was filed;

(3) Each person applying shall provide:

(a) Such person's name, address, mailing address, and phone number;

(b) An authorized signature; and

(c) Evidence that such person is entitled to vote. Such evidence shall be:

a. For resident individuals, proof of registration from the election authority;

b. For owners of real property, a tax receipt or deed or other document which evidences ownership, and identifies the real property by location;

(4) No person shall apply later than the fourth Tuesday before the date for mailing ballots specified in the circuit court's order.

3. If the election is to be a mail-in election, the circuit court shall mail a ballot to each qualified voter who applied for a ballot pursuant to subsection 2 of this section along with a return addressed envelope directed to the circuit court clerk's office with a sworn affidavit on the reverse side of such envelope for the voter's signature. Such affidavit shall be in the following form:

I hereby declare under penalties of perjury that I am qualified to vote, or to affix my authorized signature in the name of an entity which is entitled to vote, in this election.

Subscribed and sworn to before me this ..... day of....., 20.....

Authorized Signature ..... .

..... Printed Name of Voter

Signature of notary or other officer authorized to administer oaths.

.....

Mailing Address of Voter

(if different)

4. Except as otherwise provided in subsection 2 of section 238.220, with respect to the election of directors, each qualified voter shall have one vote, unless the qualified voters are property owners under subdivision (2) of subsection 2 of section 238.202, in which case they shall receive one vote per acre, **prorated to the nearest one-tenth of an acre**. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an [appropriate] **applicable** mechanism for [the determination of the entity's vote] **action for such voter**. If a voter has no such mechanism, then its vote shall be cast [as determined by a majority of the persons who run the day-to-day affairs of the voter] **by agreement of such individuals or entities as would be required under applicable law to convey by deed the entire parcel of property owned**. Each voted ballot shall be signed with the authorized signature.

5. Mail-in voted ballots shall be returned to the circuit court clerk's office by mail or hand delivery no later than 5:00 p.m. on the sixth Tuesday after the date for mailing the ballots as set forth in the circuit court's order. The circuit court's clerk shall transmit all voted ballots to a team of judges of not less than four, with an equal number from each of the two major political parties. The judges shall be selected by the circuit court from lists compiled by the election authority. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the circuit court. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115, RSMo.

6. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission.

238.220. 1. Notwithstanding anything to the contrary contained in section 238.216, if any persons eligible to be registered voters reside within the district the following procedures shall be followed:

(1) After the district has been declared organized, the court shall upon petition of any interested person order the county clerk to cause an election to be held in all areas of the district within one hundred twenty

days after the order establishing the district, to elect the district board of directors which shall be not less than five nor more than fifteen;

(2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and shall file with the election authority of such county a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(3) The director or directors to be elected shall be elected at large. The candidate receiving the most votes from qualified voters shall be elected to the position having the longest term, the second highest total votes elected to the position having the next longest term, and so forth. Each initial director shall serve the one-, two- or three-year term to which he or she was elected, and until a successor is duly elected and qualified. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification; and

(4) [Each director shall be a resident of the district.] Directors shall be registered voters at least twenty-one years of age.

2. Notwithstanding anything to the contrary contained in section 238.216, if no persons eligible to be registered voters reside within the district, the following procedures shall apply:

(1) Within thirty days after the district has been declared organized, the circuit clerk of the county in which the petition was filed shall, upon giving notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, call a meeting of the owners of real property within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of not less than five and not more than fifteen directors, to be composed of owners or representatives of owners of real property in the district; provided that, if all the owners of property in the district joined in the petition for formation of the district, such meeting may be called by order of the court without further publication[. For the purposes of determining board membership, the owner or owners of real property within the district and their legally authorized representative or representatives shall be deemed to be residents of the district; for business organizations and other entities owning real property within the district, the individual or individuals legally authorized to represent the business organizations or entities in regard to the district shall be deemed to be a resident of the district];

(2) The property owners, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election. At the election, each acre of real property within the district shall represent one share, and each owner may have one vote in person or by proxy for every acre of real property owned [by such person within the district], **prorated to the nearest one-tenth of an acre;**

(3) The one-third of the initial board members receiving the most votes shall be elected to positions having a term of three years. The one-third of initial board members receiving the next highest number of votes shall be elected to positions having a term of two years. The lowest one-third of initial board members receiving sufficient votes shall be elected to positions having a term of one year. Each initial director shall serve the term to which he or she was elected, and until a successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the real property owners called by the board. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or

disqualification;

(4) Directors shall be at least twenty-one years of age.

3. Notwithstanding any provision of section 238.216 and this section to the contrary, if the petition for formation of the district was filed pursuant to subsection 5 of section 238.207, the following procedures shall be followed:

(1) If the district is comprised of four or more local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district. If the district is comprised of two or three local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district and one person designated by the governing body of each local transportation authority within the district;

(2) Each director shall be at least twenty-one years of age [and a resident or property owner of the local transportation authority the director represents]. A director designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause; and

(3) Upon the assumption of office of a new presiding officer of a local transportation authority, such individual shall automatically succeed his predecessor as a member of the board of directors. Upon the removal, resignation or disqualification of a director designated by the governing body of a local transportation authority, such governing body shall designate a successor director.

4. **Notwithstanding any provision of section 238.216 and this section to the contrary, if the petition for formation of the district was filed pursuant to subsection 6 of section 238.207, the following procedures shall be followed:**

**(1) If the district is comprised of one affected local transportation authority, the board of directors shall consist of three directors designated by the governing body of the affected local transportation authority within the district. If the district is comprised of two affected local transportation authorities, the board of directors shall consist of four directors, two directors designated by the governing body of each affected local transportation authority within the district. If the district is comprised of three or more affected local transportation authorities, the board of directors shall consist of one person designated by the governing body of each affected local transportation authority within the district. Each director shall serve a three-year term. Successor directors shall be designated in the same manner as the initial directors and shall serve three-year terms.**

**(2) Each director shall be at least twenty-one years of age. A director designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause; and**

**(3) Upon the removal, resignation or disqualification of a director designated by the governing body of a local transportation authority, such governing body shall designate a successor director.**

5. The commission shall appoint one or more advisors to the board, who shall have no vote but shall have the authority to participate in all board meetings and discussions, whether open or closed, and shall have access to all records of the district and its board of directors.

[5.] 6. If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the local transportation authority that will assume maintenance of the project shall appoint one or more advisors to the board of directors who shall have the same rights

as advisors appointed by the commission.

[6.] 7. Any county or counties located wholly or partially within the district which is not a local transportation authority pursuant to subdivision (4) of subsection 1 of section 238.202 may appoint one or more advisors to the board who shall have the same rights as advisors appointed by the commission.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207 **or subsection 6 of section 238.207.**

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of ..... (transportation development district's name) impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the month **designated by the board of directors of the transportation development district** following adoption of the tax by the qualified voters.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the [transportation development district] **department of revenue**.

3. On and after the effective date of any tax imposed pursuant to this section, the [transportation development district] **director of revenue** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, **and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section.** The tax imposed pursuant to this section **and the sales taxes imposed pursuant to all other laws of the state of Missouri** shall be collected **together** and reported upon such forms and [under] **pursuant to** such administrative rules and regulations as may be prescribed by the [transportation development district] **director of revenue**.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality

provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. [All sales taxes collected by the transportation development district shall be deposited by the transportation development district in a special fund to be expended for the purposes authorized in this section. The transportation development district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.] **All sales taxes collected by the director of revenue pursuant to this section on behalf of any transportation development district, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the state treasury to the credit of the "Transportation Development District Sales Tax Fund". Moneys in the transportation development district sales tax fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. All interest earned upon the balance in the transportation development district sales tax fund shall be deposited to the credit of the same fund. Any balance in the fund at the end of an appropriation period shall not be transferred to the general revenue fund and the provisions of section 33.080, RSMo, shall not apply to the fund. The director of revenue shall keep accurate records of the amount of money which was collected in each transportation development district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in such**



fund during the preceding month to the proper transportation development district.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts credited to any transportation development district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any transportation development district repeals the tax authorized by this section, the transportation development district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by this section in such transportation development district, the director of revenue shall remit the balance in the account to the transportation development district and close the account of that transportation development district. The director of revenue shall notify each transportation development district of each instance of any amount refunded or any check redeemed from receipts due the transportation development district.

[6.] 7. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

238.257. 1. At any time during the existence of a district, the board may submit to the voters of the district a proposition to increase [or decrease] the number of projects which it is authorized to complete.

2. If the board proposes to add one or more additional projects, the question shall be submitted in substantially the following form:

Shall the ..... Transportation Development District fund or develop the following additional transportation project (or projects): (summarize the proposed project or projects), and have the power to fund the proposed project upon separate voter approval by any or all of the following methods: (here specifically describe the proposed funding methods and require each voter to approve or disapprove of each

proposed funding method)?

3. If the board proposes to **decrease the number of projects or** discontinue a project, **it may do so by majority vote of the board provided that** it shall first obtain approval from the commission if the proposed project is intended to be merged into the state highways and transportation system under the commission's jurisdiction or approval from the local transportation authority if the proposed project is intended to be merged into a local transportation system under the local authority's jurisdiction. [If such approval is obtained, then the question shall be submitted to the district's voters in substantially the following form:

Shall the ..... Transportation Development District discontinue development of the following transportation project: (summarize the transportation project), for the reason that (describe the reason why the transportation project cannot be completed as approved)?]

4. The board may modify the project previously approved by the district voters, if the modification is approved by the commission and, where appropriate, a local transportation authority.

238.275. 1. Within six months after development and initial maintenance costs of its completed project have been paid, the district shall pursuant to contract transfer ownership and control of the project to the commission or a local transportation authority which shall be responsible for all future maintenance costs pursuant to contract. Such transfer may be made sooner with the consent of the recipient.

2. At such time as a district has completed its project and has transferred ownership of the project to the commission or other local transportation authority for maintenance, **or the district has provided for the completion and funding of its project and has transferred ownership and control of the project to the commission or a local transportation authority under subsection 1 of this section**, or at such time as the board determines that it is unable to complete its project due to lack of funding or for any other reason, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the ..... Transportation Development District be abolished?

3. The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting the question to abolish the district to a vote, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law.

4. **As an alternative to the method described in subsections 2 and 3 of this section, if at such time as a district has completed its project and has transferred ownership of the project to the commission or other local transportation authority for maintenance, or the district has provided for the completion and funding of its project and has transferred ownership and control of the project to the commission or a local transportation authority under subsection 1 of this section, or at such time as the board determines that it is unable to complete its project due to lack of funding or for any other reason, the board may petition the circuit court to dissolve the district.**

5. **The district board may not petition the circuit court for dissolution while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, or while the district is insolvent, in receivership, or under the jurisdiction of the bankruptcy court. Prior to petitioning the circuit court to abolish the district, the state auditor shall audit the district**

**to determine the financial status of the district, and whether the district may be abolished under law.**

6. While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

[5.] 7. Upon receipt of certification by the appropriate election authorities that the majority of those voting within the district have voted to abolish the district **or upon receipt of an order of the circuit court that the district may be abolished**, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board shall:

(1) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district, including revenues due and owing the district, to the commission or any appropriate local transportation authority assuming maintenance and control of the project, for its further use and disposition;

(2) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(3) At a public meeting of the district, declare by a majority vote that the district has been abolished effective that date; and

(4) Cause copies of that resolution under seal to be filed with the secretary of state, the director of revenue, the commission, and with each local transportation authority affected by the district. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.”; and

Further amend said Substitute, Section 3, Page 86, Lines 1-3, by deleting all of said Section and Lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 386, Section 67.2000, Page 28, Line 248 by inserting after all of said line the following:

**“67.2050. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:**

(1) **“Facility”, a location composed of real estate, buildings, fixtures, machinery, and equipment;**

(2) **“Municipality”, any county, city, incorporated town, or village of the state;**

(3) **“NAICS”, the 2007 edition of the North American Industry Classification System developed under the direction and guidance of the federal Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;**

(4) **“Technology business facility”, a facility purchased, constructed, extended, or improved under this section and that contains at least twenty thousand square feet of space, provided that such business facility is engaged in:**

(a) **Data processing, hosting, and related services (NAICS 518210); or**

(b) **Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;**

(5) **“Technology business facility project” or “project”, the purchase, construction, extension, and**

improvement of technology business facilities, whether of the facility as a whole or of any one or more of the facility's components of real estate, buildings, fixtures, machinery, and equipment.

2. The governing body of any municipality may:

(1) Carry out technology business facility projects for economic development under this section;

(2) Accept grants from the federal and state governments for technology business facility project purposes, and may enter into such agreements as are not contrary to the laws of this state and which may be required as a condition of grants by the federal government or its agencies; and

(3) Receive gifts and donations from private sources to be used for technology business facility project purposes.

3. The governing body of the municipality may enter into loan agreements, sell, lease, or mortgage to private persons, partnerships, or corporations any one or more of the components of a facility received, purchased, constructed, or extended by the municipality for development of a technology business facility project. The loan agreement, installment sale agreement, lease, or other such document shall contain such other terms as are agreed upon between the municipality and the obligor, provided that such terms shall be consistent with this section. When, in the judgment of the governing body of the municipality, the technology business facility project will result in economic benefits to the municipality, the governing body may lawfully enter into an agreement that includes nominal monetary consideration to the municipality in exchange for the use of one or more components of the facility.

4. Transactions involving the lease or rental of any components of a project under this section shall be specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.761, RSMo, and from the computation of the tax levied, assessed, or payable under the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745, RSMo.

5. Leasehold interests granted and held under this section shall not be subject to property taxes.

6. Any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.

7. The county assessor shall include the current assessed value of all property within the affected taxing entities in the aggregate valuation of assessed property entered upon the assessor's book and verified under section 137.245, RSMo, and such value shall be used for the purpose of the debt limitation on local government under section 26(b), article VI, Constitution of Missouri.

8. The governing body of any municipality may sell or otherwise dispose of the property, buildings, or plants acquired under this section to private persons or corporations for technology business facility project purposes upon approval by the governing body. The terms and method of the sale or other disposal shall be established by the governing body so as to reasonably protect the economic well-being of the municipality and to promote the development of technology business

**facility projects. A private person or corporation that initially transfers property to the municipality for the purposes of a technology business facility project and does not charge a purchase price to the municipality shall retain the right, upon request to the municipality, to have the municipality retransfer the donated property to the person or corporation at no cost.”; and**

Further amend said bill, Section 67.3000, Page 28, Line 7 by inserting after all of said line the following:

“68.025. 1. Every local and regional port authority, approved as a political subdivision of the state, shall have the following powers to:

(1) Confer with any similar body created under laws of this or any other state for the purpose of adopting a comprehensive plan for the future development and improvement of its port districts;

(2) Consider and adopt detailed and comprehensive plans for future development and improvement of its port districts and to coordinate such plans with regional and state programs;

**(3) Establish a port improvement district in accordance with this chapter;**

**(4) Carry out any of the projects enumerated in subdivision (16) of section 68.205;**

**(5) Within the boundaries of any established port improvement district, to levy either a sales and use tax or a real property tax, or both, for the purposes of paying any part of the cost of a project benefiting property in a port improvement district;**

**(6) Pledge both revenues generated by any port improvement district and any other port authority revenue source to the repayment of any outstanding obligations;**

(7) Either jointly with a similar body, or separately, recommend to the proper departments of the government of the United States, or any state or subdivision thereof, or to any other body, the carrying out of any public improvement for the benefit of its port districts;

[(4)] **(8)** Provide for membership in any official, industrial, commercial, or trade association, or any other organization concerned with such purposes, for receptions of officials or others as may contribute to the advancement of its port districts and any industrial development therein, and for such other public relations activities as will promote the same, and such activities shall be considered a public purpose;

[(5)] **(9)** Represent its port districts before all federal, state and local agencies;

[(6)] **(10)** Cooperate with other public agencies and with industry, business, and labor in port district improvement matters;

[(7)] **(11)** Enter into any agreement with any other states, agencies, authorities, commissions, municipalities, persons, corporations, or the United States, to effect any of the provisions contained in this chapter;

[(8)] **(12)** Approve the construction of all wharves, piers, bulkheads, jetties, or other structures;

[(9)] **(13)** Prevent or remove, or cause to be removed, obstructions in harbor areas, including the removal of wrecks, wharves, piers, bulkheads, derelicts, jetties or other structures endangering the health

and general welfare of the port districts; in case of the sinking of a facility from any cause, such facility or vessel shall be removed from the harbor at the expense of its owner or agent so that it shall not obstruct the harbor;

[(10)] **(14)** Recommend the relocation, change, or removal of dock lines and shore or harbor lines;

[(11)] **(15)** Acquire, own, construct, redevelop, lease, maintain, and conduct land reclamation and resource recovery [with respect to unimproved land], **including the removal of sand, rock, or gravel**, residential developments, commercial developments, mixed-use developments, recreational facilities, industrial parks, industrial facilities, and terminals, terminal facilities, warehouses and any other type port facility;

[(12)] **(16)** Acquire, own, lease, sell or otherwise dispose of interest in and to real property and improvements situate thereon and in personal property necessary to fulfill the purposes of the port authority;

[(13)] **(17)** Acquire rights-of-way and property of any kind or nature within its port districts necessary for its purposes. Every port authority shall have the right and power to acquire the same by purchase, negotiation, or by condemnation, and should it elect to exercise the right of eminent domain, condemnation proceedings shall be maintained by and in the name of the port authority, and it may proceed in the manner provided by the laws of this state for any county or municipality. The power of eminent domain shall not apply to property actively being used in relation to or in conjunction with river trade or commerce, unless such use is by a port authority pursuant to a lease in which event the power of eminent domain shall apply;

[(14)] **(18)** Contract and be contracted with, and to sue and be sued;

[(15)] **(19)** Accept gifts, grants, loans or contributions from the United States of America, the state of Missouri, political subdivisions, municipalities, foundations, other public or private agencies, individual, partnership or corporations;

[(16)] **(20)** Employ such managerial, engineering, legal, technical, clerical, accounting, advertising, stenographic, and other assistance as it may deem advisable. The port authority may also contract with independent contractors for any of the foregoing assistance;

[(17)] **(21)** Improve navigable and nonnavigable areas as regulated by federal statute;

[(18)] **(22)** Disburse funds for its lawful activities and fix salaries and wages of its employees; and

[(19)] **(23)** Adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted; however, said bylaws, rules and regulations shall not exceed the powers granted to the port authority by this chapter.

2. In implementing its powers, the port authority shall have the power to enter into agreements with private operators or public entities for the joint development, redevelopment, and reclamation of property within a port district or for other uses to fulfill the purposes of the port authority.

68.035. 1. The state may make grants to a state port fund, as appropriated by the general assembly, to

be allocated by the department of transportation to local port authorities or regional port coordinating agencies. These grants, administered on a nonmatching basis, could be used for managerial, engineering, legal, research, promotion, planning and any other expenses.

2. In addition the state may make capital improvement matching grants contributing eighty percent of the funds and local port authorities contributing twenty percent of the funds for specific [projects] **undertakings** of port development such as land acquisitions, construction, terminal facility development, **port improvement projects**, and other related port facilities. **Notwithstanding the foregoing, any matching grants awarded by the Missouri highways and transportation commission under the Port Capital Improvement Program shall be transportation related.**

3. The grants provided herein may be used as the local share in applying for other grant programs.

68.040. 1. Every local and regional port authority, approved as a political subdivision of the state, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction of port facilities **and the financing of port improvement projects**; establish reserves to secure such bonds and notes; and make other expenditures, incident and necessary to carry out its purposes and powers.

2. This state shall not be liable on any notes or bonds of any port authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

3. No commissioner of any port authority or any authorized person executing port authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

4. The notes and bonds of every port authority are securities in which all public officers and bodies of this state and all political subdivisions and municipalities, all insurance companies and associations, and other persons carrying on an insurance business, all banks, trust companies, saving associations, savings and loan associations, credit unions, investment companies, all administrators, guardians, executors, trustees, and other fiduciaries, and all other persons whatsoever, who now or may hereafter, be authorized to invest in notes and bonds or other obligations of this state, may properly and legally invest funds, including capital, in their control or belonging to them.

5. No port authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality or other governmental agency of this state. The notes and bonds of every port authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers.

6. Every port authority shall have the powers and be governed by the procedures now or hereafter conferred upon or applicable to the environmental improvement authority, chapter 260, RSMo, relating to the manner of issuance of revenue bonds and notes, and the port authority shall exercise all such powers and adhere to all such procedures insofar as they are consistent with the necessary and proper undertaking of its purposes.

68.070. [If, at any time] **Provided a local or regional port authority has no outstanding obligations**, the legislative body or county commission of a city or county, in which a local port authority is situated, votes, by majority, to dissolve said port authority, the local port authority shall be dissolved effective the date of approval of the dissolution by the highways and transportation commission of the state. If, at any time, all of the legislative bodies or county commissions of members of a regional port authority vote, by majority, to dissolve the regional port authority, it shall be dissolved effective the date of the approval of dissolution by the highways and transportation commission of the state. In the event of dissolution of a local or regional port authority, all funds and other assets shall be distributed among the cities and counties, who were members, on a pro rata basis.

**68.200. Sections 68.200 to 68.260 shall be known and may be cited as the “Port Improvement District Act.”**

**68.205. As used in sections 68.200 to 68.260, unless the context clearly requires otherwise, the following terms shall mean:**

- (1) “Act”, the port improvement district act, sections 68.200 to 68.260;**
- (2) “Approval”, for purposes of elections pursuant to this act, a simple majority of those qualified voters casting votes in any election;**
- (3) “Board”, the board of port authority commissioners for the particular port authority that desires to establish or has established a district;**
- (4) “Director of revenue”, the director of the department of revenue of the state of Missouri;**
- (5) “District” or “port improvement district”, an area designated by the port authority which is located within its port district boundaries at the time of establishment;**
- (6) “Disposal of solid waste or sewage”, the entire process of storage, collection, transportation, processing, and disposal of solid wastes or sewage;**
- (7) “Election authority”, the election authority having jurisdiction over the area in which the boundaries of the district are located under chapter 115, RSMo;**
- (8) “Energy conservation”, the reduction of energy consumption;**
- (9) “Energy efficiency”, the increased productivity or effectiveness of the use of energy resources, the reduction of energy consumption, or the use of renewable energy sources;**
- (10) “Obligations”, revenue bonds and notes issued by a port authority and any obligations for the repayment of any money obtained by a port authority from any public or private source along with any associated financing costs, including, but not limited to, the costs of issuance, capitalized interest, and debt service;**
- (11) “Owner”, the individual or individuals or entity or entities who own a fee interest in real property that is located within the boundaries of a district based upon the recorded real estate records**



of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to any action;

(12) “Petition”, a petition to establish a port improvement district within the port district boundaries or a petition to make a substantial change to an existing district;

(13) “Pollution”, the existence of any noxious substance in the air or waters or on the lands of the state in sufficient quantity and of such amounts, characteristics, and duration as to injure or harm the public health or welfare or animal life or property;

(14) “Port authority”, a political subdivision established pursuant to this chapter;

(15) “Port district boundaries”, the boundaries of any port authority on file with the clerk of the county commission, city clerk, or clerk of the legislative or governing body of the county as applicable, which became effective upon approval by the highways and transportation commission of the state of Missouri;

(16) “Project” or “port improvement project”, with respect to any property within a port improvement district, or benefiting property within a port improvement district:

(a) Providing for, or contracting for the provision of, environmental cleanup, including the disposal of solid waste, services to brownfields, or other polluted real property;

(b) Providing for, or contracting for the provision of, energy conservation or increased energy efficiency within any building, structure, or facility;

(c) Providing for, or contracting for the provision of, wetland creation, preservation, or relocation;

(d) The construction of any building, structure, or facility determined by the port authority as essential in developing energy resources, preventing, reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;

(e) Modifications to, or the relocation of, any existing building, structure, or facility that has been acquired or constructed, or which is to be acquired or constructed for the purpose of developing energy resources, preventing, reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;

(f) The acquisition of real property determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(g) The operation, maintenance, repair, rehabilitation, or reconstruction of any existing public or private building, structure, or facility determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(h) The construction of any new building, structure, or facility that is determined by the port

authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(17) “Qualified project costs”, include any and all reasonable costs incurred or estimated to be incurred by a port authority, or a person or entity authorized by a port authority, in furtherance of a port improvement project, which costs may include, but are not limited to:

(a) Costs of studies, plans, surveys, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, research, marketing, financial, planning, consulting, and special services, including professional service costs necessary or incident to determining the feasibility or practicability of any project and carrying out the same;

(c) Administrative fees and costs of a port authority in carrying out any of the purposes of this act;

(d) Property assembly costs, including, but not limited to, acquisition of land and other property and improvements, real or personal, or rights or interests therein, demolition of buildings and structures, and the clearing or grading of land, machinery, and equipment relating to any project, including the cost of demolishing or removing any existing structures;

(e) Costs of operating, rehabilitating, reconstructing, maintaining, and repairing existing buildings, structures, or fixtures;

(f) Costs of constructing new buildings, structures, or fixtures;

(g) Costs of constructing, operating, rehabilitating, reconstructing, maintaining, and repairing public works or improvements;

(h) Financing costs, including, but not limited to, all necessary and incidental expenses related to the port authority’s issuance of obligations, which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;

(i) All or a portion of the port authority’s capital costs resulting from a port improvement project necessarily incurred or to be incurred in furtherance of a port improvement project, to the extent the port authority accepts and approves such costs; and

(j) Relocation costs, to the extent that a port authority determines that relocation costs shall be paid, or are required to be paid, by federal or state law;

(18) “Qualified voters”, for the purposes of an election for the approval of a real property tax or a sales and use tax:

(a) Registered voters residing within the district; or

(b) If no registered voters reside within the district, the owners of one or more parcels of real property within the district, which would be subject to such real property taxes or sales and use taxes,

as applicable, based upon the recorded real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;

(19) “Registered voters”, persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, as determined by the election authority as of the thirtieth day prior to the date of the applicable election;

(20) “Respondent”, the Missouri highways and transportation commission, each property owner within the proposed district, the municipality or municipalities within which the proposed district is located, the county or counties within which the proposed district is located, and any other political subdivision within the boundaries of the proposed port improvement district, except the petitioning port authority;

(21) “Revenues”, all rents, revenues from any levied real property tax and sales and use tax, charges and other income received by a port authority in connection with any project, including any gift, grant, loan, or appropriation received by the port authority with respect thereto;

(22) “Substantial changes”, with respect to an established port improvement district, the addition or removal of real property to or from the port improvement district and any changes to the approved district funding mechanism; and

(23) “Water facilities”, any facilities for the furnishing and treatment of water for industrial, commercial, agricultural, or community purposes including, but not limited to, wells, reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds, storm sewers, storm water detention and retention facilities, and related equipment and machinery.

**68.210. 1.** A port authority may establish one or more port improvement districts within its port district boundaries for the purpose of funding qualified project costs associated with an approved port improvement project. In order to form a district or to make substantial changes to an existing district, the board must:

(1) Draft a petition in accordance with subsection 2 of this section;

(2) Hold a public hearing in accordance with section 68.215;

(3) Subsequent to the public hearing, approve by resolution the draft petition containing any approved changes and amendments deemed necessary or desirable by a majority of the board members;

(4) File the approved draft petition in the circuit court of the county where the port improvement district is located, requesting the creation of a port improvement district in accordance with sections 68.200 to 68.260; and

(5) Within thirty days of the circuit court’s certification of the petition, and establishment of the district, file a copy of the board’s resolution approving the petition, the certified petition, and the

circuit court judgment certifying the petition and establishing the district with the Missouri highways and transportation commission.

2. A petition is proper for consideration and approval by the board and the circuit court if, at the time of such approval, it has been signed by property owners collectively owning more than sixty percent per capita of all owners of real property within the boundaries of the proposed district and contains the following information:

(1) The legal description of the proposed district, including a map illustrating the legal boundaries. The proposed district must be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements or rights-of-way, or connected by a single public street, easement, or right-of-way shall be considered contiguous;

(2) A district name designation which shall be set out in the following format:

(a) The name of the Missouri county or municipality in which the port district boundaries are filed;

(b) The words “port improvement district”; and

(c) The district designation number, beginning at 1 for the first district formed by that specific port authority, and progressing consecutively upward, irrespective of the year established;

(3) A description of the proposed project or projects for which the district is being formed, and the estimated qualified project costs of such projects;

(4) The maximum rate or rates and duration of any proposed real property tax or sales and use tax, or both, as applicable, needed to fund the project;

(5) The estimated revenues projected to be generated by any such tax or taxes;

(6) The name and address of each respondent;

(7) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable;

(8) A request that the circuit court certify the projects pursuant to the act, approve the proposed real property tax or sales and use tax, or both, as applicable, and establish the district.

68.215. 1. Not more than ten days prior to the submission of the petition to the circuit court, the port authority shall hold or cause to be held a public hearing on the proposed project or projects, proposed real property tax or sales and use tax, or both, as applicable, and the establishment of the proposed district and shall give notice of the public hearing in the manner provided in subsection 3 of this section. All reasonable protests, objections, and endorsements shall be heard at the public hearing.

2. The public hearing may be continued to another date without further notice other than a

**motion to be entered on the official port authority meeting minutes fixing the date, time, and place of the continuance of the public hearing.**

**3. Notice shall be provided by both publication and mailing. Notice by publication shall be given by publication in a newspaper of general circulation within the municipality or county in which the port authority is located at least once not more than fifteen, but not less than ten, days prior to the date of the public hearing. Notice by mail shall be given not more than thirty, but not less than twenty, days prior to the date of the public hearing by sending the notice via registered or certified United States mail with a return receipt attached to the address of record of each owner within the boundaries of the proposed district. The published and mailed notices shall include the following:**

**(1) The date, time, and place of the public hearing;**

**(2) A statement that a petition for the establishment of a district has been drafted for public hearing by the board;**

**(3) The boundaries of the proposed district by street location, or other readily identifiable means if no street location exists, and a map illustrating the proposed boundaries;**

**(4) A brief description of the projects proposed to be undertaken, the estimated cost thereof, and the proposed method of financing such costs by a real property tax or sales and use tax, or both, as applicable;**

**(5) A statement that a copy of the petition is available for review at the office of the port authority during regular business hours;**

**(6) The address of the port authority's office; and**

**(7) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.**

**68.220. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve a copy of the petition on the respondents who shall have thirty days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. If any respondent files its answer opposing the creation of the district, it shall recite legal reasons why the petition is defective, why the proposed district is illegal or unconstitutional, or why the proposed method for funding the district is illegal or unconstitutional. The respondent shall ask the court for a declaratory judgment respecting these issues. The answer of each respondent shall be served on each petitioner and every other respondent named in the petition. Any resident or taxpayer within the proposed district not qualifying as a respondent may join in or file a petition supporting or answer opposing the creation of the district and seeking a declaratory judgment respecting these same issues within thirty days after the date notice is last published by the circuit clerk pursuant to section 68.225.**

**2. The court shall hear the case without a jury. If the court shall thereafter determine the petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue burden on any**

owner of property within the district or is unjust and unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to make the certifications requested in the pleadings. If the court determines that any proposed funding method is illegal or unconstitutional, it shall enter its judgment striking that funding method in whole or in part. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect. The court shall then certify the single question regarding the proposed real property tax or sales and use tax, or both, as applicable, needed to fund the project for voter approval. If no objections to the petition are timely filed, the court may make such certifications based upon the pleadings before it without any hearing.

3. Any party having filed an answer or petition may appeal the circuit court's order or declaratory judgment in the same manner provided for other appeals.

68.225. The circuit court clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

#### NOTICE OF PETITION TO CREATE A PORT IMPROVEMENT DISTRICT

Notice is hereby given to all persons residing or owning property in ..... (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that a port improvement district by the name of "..... Port District No. ...." be formed for the purpose of developing the following projects: (here summarize the proposed project or projects). A copy of this petition is on file and available at the office of the clerk of the circuit court of ..... County, located at ....., Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the port improvement district and requesting a declaratory judgment, as required by law, no later than the ..... day of ....., 20..... You may show cause, if any, why such petition is defective or proposed port improvement district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be approved as directed by this court.

.....

Clerk of the Circuit Court of ..... County

68.230. 1. Upon the port authority's own initiative, and after proper notice being provided and a public hearing being conducted in accordance with subsection 2 of this section, any district may be terminated by a resolution of the board, provided that there are no outstanding obligations secured in any way by district revenues produced from such district. A copy of such resolution shall be filed with the Missouri highways and transportation commission within thirty days of its passage.

2. The public hearing required by this section shall be held and notice of such public hearing shall be given in the manner set forth in section 68.215. The notice shall contain the following information:

- (1) The date, time, and place of the public hearing;
- (2) A statement that the port authority proposes a resolution terminating the district; and
- (3) A statement that all interested parties will be given an opportunity to be heard.

3. Notwithstanding the requirements of this section, if the port authority that has formed the district is dissolved in accordance with this chapter, the district shall automatically be terminated, and any taxes levied shall simultaneously be repealed, except that this subsection shall not apply in such instance when a local port authority is dissolved pursuant to subsection 6 of section 68.060 in order to consolidate into a regional port authority.

**68.235. 1.** For the purposes of providing funds to pay all, or any portion of, the qualified project costs associated with any approved project, subsequent to the establishment of a district pursuant to this act, and subsequent to the circuit court's certification of a question regarding any proposed real property tax needed to fund a project, a port authority may levy by resolution a tax upon real property within the boundaries of the district; provided however, no such resolution shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot election conducted in accordance with section 68.250, the circuit court's certified question regarding such proposed real property tax. If a majority of the votes cast by the qualified voters voting on the proposed real property tax are in favor of the tax, then the resolution shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the real property tax, then the resolution seeking to levy the real property tax shall be deemed to be null and void on the date on which the election may no longer be challenged pursuant to section 68.255. The port authority may levy a real property tax rate lower than the tax rate ceiling approved by the qualified voters pursuant to subsection 1 of this section and may, by resolution, increase that lowered tax rate to a level not exceeding the tax rate ceiling without approval of the qualified voters.

2. The ballot shall be substantially in the following form:

"Shall the ..... (insert name of district) impose a real property tax upon (all real property) within the district at a rate of not more than ..... (insert amount) dollars per hundred dollars assessed valuation for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of project or projects) in the district?"

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. A port authority may repeal or amend by resolution any real property tax imposed pursuant to this section before the expiration date of such real property tax unless the repeal or amendment of such real property tax will impair the port authority's ability to repay any obligations the port

authority has incurred to pay any part of the cost of a port improvement project.

4. All property, real and personal, assessed under sections 151.010 to 151.340, RSMo, is hereby specifically exempted from taxes levied, assessed, or payable under this section.

68.240. 1. The county collector of each county in which the district is located, or the collector for the city in which the district is located if the district is located in a city not within a county, shall collect the real property tax made upon all real property within that county and district, in the same manner as other real property taxes are collected.

2. Every county or municipal collector and treasurer having collected or received district real property taxes shall, on or before the fifteenth day of each month and after deducting the reasonable and actual cost of such collection but not to exceed one percent of the total amount collected, remit to the port authority the amount collected or received by the port authority prior to the first day of such month. Upon receipt of such money, the port authority shall execute a receipt therefor, which shall be forwarded or delivered to the county collector or city treasurer who collected such money. The port authority shall deposit such sums which are designated for a specific project into a special trust fund to be expended solely for such purpose, or to the port authority treasury if such sums are not designated. The county or municipal collector or treasurer, and port authority shall make final settlement of the port authority account and costs owing, not less than once each year, if necessary.

3. Upon the expiration of any real property tax adopted pursuant to this section which is designated for a specific project, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the ballot adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the port authority pursuant to applicable laws relating to the investment of other port authority funds and the port authority may use such funds for other approved port improvement projects.

68.245. 1. For the purposes of providing funds to pay all, or any portion of, the qualified project costs associated with any approved project, subsequent to the establishment of a district pursuant to this act, and subsequent to the circuit court's certification of a question regarding any proposed sales and use tax needed to fund a project, a port authority may levy by resolution a district wide sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors, and sales to or from public utilities. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent; except that, no resolution adopted pursuant to this section shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot election conducted in accordance with section 68.250, the circuit court's certified question regarding such proposed sales and use tax. If a majority of the votes cast by the qualified voters on the proposed sales and use tax are in favor of the sales and use tax, then the resolution shall become effective. If a majority of the votes cast by the qualified voters are opposed to the sales and use tax, then the resolution seeking to levy the sales and use tax shall be deemed null



and void on the date on which the election may no longer be challenged pursuant to section 68.255.

**2. The ballot shall be substantially in the following form:**

**“Shall the ..... (insert name of district) impose a district wide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of project or projects)?**

☐ YES

☐ NO

**If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.”**

**3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the port authority shall, in accordance with section 32.087, RSMo, notify the director of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of such sales and use tax.**

**4. The director of revenue shall collect any sales and use tax adopted pursuant to this section, pursuant to section 32.087, RSMo.**

**5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the port authority to such retailer’s sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.**

**6. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.**

**7. All revenue received by the port authority from a sales and use tax imposed pursuant to this section which is designated for a specific project shall be deposited into a special trust fund to be expended solely for such purpose, or to the port authority’s treasury if such sums are not designated. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the ballot adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the port authority pursuant to applicable laws relating to the investment of other port authority funds and the port authority may use such funds for other approved port improvement projects.**

**8. A port authority may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the port authority’s ability to repay, or unless the sales and use tax in any way secure any outstanding obligations the port authority has incurred to pay any part of the qualified project costs**

of any approved port improvement project.

**68.250. 1. Notwithstanding the provisions of chapter 115, RSMo, except the provisions of section 115.125, RSMo, when applicable, an election for any proposed real property tax or proposed sales and use tax, or both, within a district pursuant to this act shall be conducted in accordance with the provisions of this section.**

**2. After the board has passed a resolution approving the levy of a real property tax or a sales and use tax, or both, the board shall provide written notice of such resolution, along with the circuit court's certified question regarding the real property tax or the sales and use tax, or both, as applicable, to the election authority. The board shall be entitled to repeal or amend such resolution provided that written notice of such repeal or amendment is delivered to the election authority prior to the date that the election authority mails the ballots to the qualified voters.**

**3. Upon receipt of written notice of a port authority's resolution, along with the circuit court's certified question, for the levy of a real property tax or a sales and use tax, or both, the election authority shall:**

**(1) Specify a date upon which the election shall occur, which date shall be a Tuesday and shall be, unless otherwise approved by the board, and election authority and applicable circuit court pursuant to section 115.125, RSMo, not earlier than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date the board passes the resolution and shall not be on the same day as an election conducted pursuant to the provisions of chapter 115, RSMo;**

**(2) Publish notice of the election in a newspaper of general circulation within the municipality two times. The first publication date shall be not more than forty-five, but not less than thirty-five, days prior to the date of the election and the second publication date shall be not more than twenty, and not less than ten, days prior to the date of the election. The published notice shall include, but not be limited to, the following information:**

**(a) The name and general boundaries of the district;**

**(b) The type of tax proposed (real property tax or sales and use tax or both), its rate or rates, and its purpose or purposes;**

**(c) The date the ballots for the election shall be mailed to qualified voters;**

**(d) The date of the election;**

**(e) The applicable definition of qualified voters;**

**(f) A statement that persons residing in the district shall register to vote with the election authority on or before the thirtieth day prior to the date of the election in order to be a qualified voter for purposes of the election;**

**(g) A statement that the ballot must be returned to the election authority's office in person, or by**

depositing the ballot in the United States mail addressed to the election authority's office and postmarked, not later than the date of the election; and

(h) A statement that any qualified voter that did not receive a ballot in the mail or lost the ballot received in the mail may pick up a mail-in ballot at the election authority's office, specifying the dates and time such ballot will be available and the location of the election authority's office;

(3) The election authority shall mail the ballot, a notice containing substantially the same information as the published notice and a return addressed envelope directed to the election authority's office with a sworn affidavit on the reverse side of such envelope for the qualified voter's signature, to each qualified voter not more than fifteen days and not less than ten days prior to the date of the election. For purposes of mailing ballots to real property owners, only one ballot shall be mailed per capita at the address shown on the official, or recorded, real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to the date of the election. Such affidavit shall be in substantially the following form:

**FOR REGISTERED VOTERS:**

I hereby declare under penalties of perjury that I reside in the ..... Port Improvement District No. .... (insert name of district) and I am a registered voter and qualified to vote in this election.

.....

**Qualified Voter's Signature**

.....

**Printed Name of Qualified Voter**

**FOR REAL PROPERTY OWNERS:**

I hereby declare under penalty of perjury that I am the owner of real property in the ..... Port Improvement District No. .... (insert name of district) and qualified to vote in this election, or authorized to affix my signature on behalf of the owner (named below) of real property in the ..... Port Improvement District No. .... (insert name of district) which is qualified to vote in this election.

.....

**Signature**

.....

**Print Name of Real Property Owner**

**If Signer is Different from Owner:**

**Name of Signer: .....**

**State Basis of Legal Authority to Sign: .....**

**All persons or entities having a fee ownership in the property shall sign the ballot. Additional signature pages may be affixed to this ballot to accommodate all required signatures.**

**4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the authorized signature.**

**5. Mail-in ballots shall be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked no later than the date of the election. The election authority shall transmit all voted ballots to a team of judges of not less than four. The judges shall be selected by the election authority from lists it has compiled. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the election authority. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115, RSMo.**

**6. The results of the election shall be entered upon the records of the election authority and two certified copies of the election results shall be filed with the port authority and entered upon the records of the port authority.**

**7. The port authority shall reimburse the election authority for the costs it incurs to conduct an election under this section.**

**8. Notwithstanding anything to the contrary, nothing in this act shall prevent a port authority from proposing both a real property tax levy question and a sales and use tax levy question to the district's qualified voters in the same election.**

**68.255. No lawsuit to set aside a district established or a tax levied under this act, or to otherwise question the validity of the proceedings related thereto, shall be brought after the expiration of ninety days from the effective date of the circuit court judgment establishing such district in question or the effective date of the resolution levying such tax in question.**

**68.260. 1. The provisions of this section shall only apply to a port authority that has formed a district.**

**2. In addition to any other report required of a port authority, within one hundred twenty days following the last day of the port authority's fiscal year, the board shall submit a report to the clerk of either the municipality or county which formed the port authority pursuant to section 68.010, and to the Missouri department of transportation stating the services provided, revenues collected and expenditures made by the district during such fiscal year, and copies of written resolutions approved by the board during the fiscal year. The municipal clerk or county clerk, as applicable, shall retain this report as part of the official records of the municipality or county and shall also cause this report**

to be spread upon the records of the governing body.

**3. In addition to the report required pursuant to subsection 2 of this section, upon the approval by the qualified voters of a real property tax or sales and use tax, or both, in accordance with the act, each authority shall annually submit a report to the auditor of the state of Missouri in accordance with section 105.145, RSMo.”; and**

Further amend said bill, Section 140.420, Page 59, Line 9 by inserting after all of said line the following:

**144.055. Beginning January 1, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, RSMo, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235, RSMo, all electrical energy, gas, water, and other utilities including telecommunication services, machinery, equipment, or computers used by data center and server farm facilities that are more than twenty thousand square feet of space.”; and**

Further amend said bill, Section 3, Page 86, Line 3 by inserting after all of said bill the following:

**“Section 4. Notwithstanding any provision of law to the contrary, the state auditor shall have the power to audit any port authority within the state in the same manner as the auditor may audit any agency of the state.**

**Section 5. Any expenditure made by the port authority that is over twenty-five thousand dollars, including professional service contracts, must be competitively bid.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 386, Section 88.832, Page 31, Lines 12 thru 15, by deleting all of said lines and inserting in lieu thereof the following:

**“2. No city of the third classification with more than nineteen thousand nine hundred but fewer than twenty thousand two hundred inhabitants that imposes a storm water usage fee based on the runoff rate of storm water on impervious surfaces shall impose such user fee on property owned by any church, public school, nonprofit organization, or political subdivision.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 386, Section 49.082, Page 4, Line 28, by deleting the opening bracket (“[”) immediately after the word “association”; and

Further amend said Section and Page, Line 30, by deleting the closing bracket (“]”) immediately after the word “county”; and

Further amend said Section, Pages 4-5, Lines 31-41, by deleting all of said lines and inserting in lieu

thereof “. Expenses incurred for”; and

Further amend said Substitute, Section 50.343, Page 7, Lines 44-50, by deleting all of said lines and inserting in lieu thereof the following:

“as provided by law for officers subject to the provisions of section 50.333. At the salary commission meeting which establishes the”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 386, Pages 84-85, Section 473.745, Lines 2-17, by delete said section:

473.745; and

Further amend said bill by amending the title enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 386, Section 67.281, Page 17, Line 11, by inserting the following at the end of said line:

**“This section shall expire on December 31, 2011.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 15

Amend House Amendment No. 15 to House Committee Substitute for Senate Bill No. 386, Page 1, Section 304.161, Line 4, by removing “twenty-five” and replacing with “thirty”.

#### HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 386, Section 300.349, Page 64, Line 45, by inserting after all of said line the following:

**“304.161. Storage charges for any towed vehicle, excluding commercial motor vehicles as defined in section 301.010 RSMo, shall not exceed twenty-five dollars per day.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 386, Section 431.210, Page 78, Line 16 by inserting after all of said Line the following:

**“3. This section shall not apply to service contracts regulated pursuant to chapter 385, RSMo.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 17

Amend House Amendment No. 17 to House Committee Substitute for Senate Bill No. 386, Page 10, Line 29, by inserting the following after all of said line:

“Further amend said Substitute, Section 88.832, Page 31, Line 15, by inserting the following after all of said line:

[89.191. Whenever any city, town or village, located in a county of the first class with a charter form of government annexes any unincorporated territory, the zoning classification of the annexed territory shall remain the same as it was prior to the annexation, unless the zoning classification is affirmatively changed through the regular rezoning procedures used by the annexing city, town or village.]

**89.192 In any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, the continuation of a legal nonconforming use shall not be conditioned upon the granting of a permit, certificate or other like device, and any such condition previously imposed shall be void.”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO  
HOUSE AMENDMENT NO. 17

Amend House Amendment No. 17 to House Committee Substitute for Senate Bill No. 386, Page 2, Line 24, by inserting the following after all of said line:

“Further amend said Substitute, Section 71.275, Page 28, Line 16, by inserting the following after all of said Line:

**“77.300. The city council may submit any question to a vote as an advisory referendum to be included on the ballot for an election to be conducted on a date authorized under section 115.123, RSMo. Such an advisory referendum, upon receiving a majority of votes in such city, shall only be used by the city council as a measure of public preference and shall not have the force and effect of law. Such questions shall only be submitted in the same manner that questions are otherwise submitted to a vote under chapter 115, RSMo.”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO  
HOUSE AMENDMENT NO. 17

Amend House Amendment No. 17 to House Committee Substitute for Senate Bill No. 386, Page 1, Line

9 by inserting after the word **“inhabitants”** the following: **“and any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Bill No. 386, Section 71.275, Page 28, Lines 7-9, by deleting all of said Lines and inserting in lieu thereof the following:

**“the property owners located within the unincorporated area of such parcel. For purposes of this section, the term “research park”**”; and

Further amend said Section and Page, Line 16, by inserting immediately after all of said Line the following:

**“71.1000. 1. The governing body of any city, town, or village located in any county with a charter form of government and with more than one million inhabitants may enter into an annexation agreement with one or more of the owners of record of real property in unincorporated areas near the city, town, or village. The real property may be annexed to the city, town, or village in the manner provided in this chapter at the time the real property is or becomes contiguous to the city, town, or village. The annexation agreement shall be valid and binding for a period of not to exceed twenty years from the date of its execution.**

**2. Any such annexation agreement may provide for the following as it relates to the real property that is the subject of the agreement:**

**(1) The annexation of such territory to the city, town, or village, subject to the provisions of this chapter;**

**(2) The continuation in effect, or amendment, or continuation in effect as amended, of any ordinance relating to subdivision controls, zoning, official plan, and building, housing, and related restrictions. Any public hearing required by law to be held before the adoption of any ordinance amendment provided in the agreement shall be held before the execution of the agreement, and all ordinance amendments provided in the agreement shall be enacted according to law;**

**(3) A limitation upon increases in permit fees required by the city, town, or village;**

**(4) Contributions of either real property or moneys, or both, to any political subdivision having jurisdiction over all or part of real property that is the subject matter of any annexation agreement entered into under this section shall be deemed valid when made and shall survive the expiration date of any such annexation agreement with respect to all or any part of the real property that was the subject matter of the annexation agreement;**

**(5) The granting of utility franchises for the real property;**



**(6) The abatement of property taxes; and**

**(7) Any other matter not inconsistent with nor prohibited by law.**

**3. Any action taken by the governing body of the city, town, or village during the period in which the agreement is in effect that would be a breach of the agreement if it applied to the real property which is the subject of the agreement shall not apply to the real property without an amendment of such agreement.**

**4. After the expiration date of any annexation agreement and unless otherwise provided for within the annexation agreement or an amendment to the annexation agreement, the provisions of any ordinance relating to the zoning of the real property that is provided for within the agreement or an amendment to the agreement shall remain in effect unless modified in accordance with law.**

**5. Real property that is the subject of an annexation agreement adopted under this section is subject to the ordinances, control, and jurisdiction of the annexing city, town, or village in all respects the same as real property that lies within the annexing city, town, or village's corporate limits.**

**6. Any annexation agreement and all amendments of annexation agreements shall be entered into as provided in this section. The governing body of the city, town, or village shall fix a time for and hold a public hearing upon the proposed annexation agreement or amendment, and shall give notice of the proposed agreement or amendment not more than thirty nor less than fifteen days before the date fixed for the hearing. The notice shall be published at least once in one or more newspapers published in the city, town, or village, or, if no newspaper is published there, then in one or more newspapers with a general circulation within the annexing city, town, or village. After the hearing the agreement or amendment may be modified before execution of the agreement or amendment. The annexation agreement or amendment shall be executed by the mayor or chief executive of the city, town, or village, and attested by the clerk of the city, town, or village only after the hearing and upon the adoption of a resolution or ordinance directing the execution. The resolution or ordinance shall not become effective unless approved by a vote of two-thirds of the governing body of the city, town, or village then holding office.**

**7. Any annexation agreement executed under this section shall be binding upon the successor owners of record of the real property which is the subject of the agreement and upon successor authorities of the city, town, or village and successor cities, towns, or villages. Any party to the agreement may by civil action, mandamus, injunction, or other proceeding, enforce and compel performance of the agreement.**

**8. Any lawsuit to enforce and compel performance of the agreement shall be filed within the effective term of the agreement, or within five years from the date the cause of action accrued, whichever time is later.**

**9. Whenever a municipal ordinance or an annexation agreement authorized under this section requires the installation of water mains, sanitary sewers, drains, or other facilities for sewers and**

drains, the construction of any roadways, or the installation of any traffic signals or other traffic-related improvements as a condition of either the acceptance of a preliminary or final subdivision or plat, or a preliminary or final planned unit development plan, or the issuance of a building permit and where, in the opinion of the governing body of the city, town, or village, the facilities, roadways, or improvements may be used for the benefit of property not in the subdivision or planned unit development or outside the property for which a building permit has been issued, and the water mains, sanitary sewers, drains, or other facilities, roadways, or improvements are to be dedicated to the public, the governing body of the city, town, or village may by contract with the developer agree to reimburse and may reimburse the developer for a portion of the cost of the facilities, roadways, and improvements from fees charged to owners of property not within the subdivision, planned unit development, or property for which a building permit has been issued when and as collected from the owners. The contract shall describe the property outside the subdivision, planned unit development, or property for which a building permit has been issued that may reasonably be expected to benefit from the facilities, roadways, or improvements that are required to be constructed under the contract, and shall specify the amount or proportion of the cost of the facilities, roadways, or improvements that is to be incurred primarily for the benefit of that property. The contract shall provide that the municipality shall collect fees charged to owners of property not within the subdivision, planned unit development, or property for which a building permit has been issued at any time before the connection to and use of the facilities, roadways, or improvements by the respective properties of each owner. The contract may contain other and further provisions and agreements concerning the construction, installation, completion, and acceptance of the facilities, roadways, or improvements that the governing body of the city, town, or village in its opinion deems proper, and may also provide for the payment to the developer of a reasonable amount of interest on the amount expended by the developer in completing the facilities, roadways, and improvements, the interest to be calculated from and after the date of completion and acceptance of the facilities, roadways, and improvements.

**10. Any contract entered into between the governing body of a municipality and a developer under this section shall be filed with the recorder of each county in which all or a part of the property affected thereby is located. The recording of the contract in this manner shall serve to notify persons interested in such property of the fact that there will be a charge in relation to such property for the connection to and use of the facilities constructed under the contract.”; and**

Further amend said Substitute, Page 28, Section 82.1026, Line 6, by inserting after all of said line the following:

“84.150. The officers of the police force in each such city shall be as follows: One chief of police with the rank of colonel; [one assistant chief of police with the rank of lieutenant colonel; one chief of detectives with the rank of lieutenant colonel; one inspector of police with the rank of lieutenant colonel; and two other lieutenant colonels, making a total of five lieutenant colonels, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional lieutenant colonel shall be appointed, making a total of six lieutenant colonels; one assistant chief of detectives with the rank of

major and five other majors, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional major shall be appointed, making a total of seven majors; twenty-two captains, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional two captains shall be appointed, making a total of twenty-four captains; sixty-seven lieutenants, except that for each thirty-eight additional patrolmen appointed pursuant to the provisions of section 84.100 an additional lieutenant shall be appointed; two hundred sixty sergeants, except that for each nine additional patrolmen appointed pursuant to the provisions of section 84.100 an additional sergeant shall be appointed. No further appointments to the rank of corporal shall hereafter be made, but all members of the force now holding the rank of corporal shall continue in such rank until their promotion, demotion, removal, resignation or other separation from the force] **lieutenant colonels, not to exceed five in number and other such ranks and number of members within such ranks as the board from time to time deems necessary.** The officers of the police force shall have commissions issued to them by the boards of police commissioners, and those heretofore and those hereafter commissioned shall serve so long as they shall faithfully perform their duties and possess the necessary mental and physical ability, and be subject to removal only for cause after a hearing by the board, who are hereby invested with exclusive jurisdiction in the premises. [Any increase in the number of officers to be appointed, in addition to that provided for above, shall be permitted upon recommendation by the board of police commissioners with the approval of the municipal board of estimate and apportionment.]

84.175. 1. Upon recommendation of the chief of police, the board may authorize and provide for the organization of a police reserve force composed of [residents of the city] **members who receive a service retirement under the provisions of sections 86.200 to 86.366, RSMo, and** who qualify under the provisions of section 84.120. Such reserve force shall be under the command of the chief of police and shall be provided training, equipment, uniforms, and arms as the chief shall direct with the approval of the board[; and when assigned to active duty the]. Members of the reserve force shall possess all of the powers of regular police officers and shall be subject to all laws and regulations applicable to police officers; provided, however, that the city council or other governing body of any such city may in its discretion fix a total in number which the reserve force may not exceed.

2. In event of riot or other emergencies as declared and defined by the mayor, in concurrence with the board, the board, upon recommendation of the chief, may appoint special officers or patrolmen for temporary service in addition to the police reserve force herein provided for, but the length of time for which such officers or patrolmen shall be employed shall be limited to the time during which such emergency shall exist.”; and

Further amend said bill, Page 30, Section 84.830, Line 60, by inserting after all of said line the following:

“86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) “Accumulated contributions”, the sum of all mandatory contributions deducted from the

compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any

creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(7) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(8) "DROP", the deferred retirement option plan provided for in section 86.251;

(9) "Earnable compensation", the annual salary which a member would earn during one year on the basis of the member's rank or position as specified in the applicable salary matrix in section 84.160, RSMo, plus additional compensation for academic work as provided in subsection 8 of section 84.160, RSMo, plus shift differential as provided in subdivision (4) of subsection 9 of section 84.160, RSMo. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

(10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

(11) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

(12) "Medical board", the board of physicians provided for in section 86.237;

(13) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;

(14) “Members’ interest”, interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

(15) “Membership service”, service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case “membership service” means service as a policeman rendered since last becoming a member prior to entering such armed service;

(16) “Plan year” or “limitation year”, the twelve consecutive-month period beginning each October first and ending each September thirtieth;

(17) “Policeman” or “police officer”, any member of the police force of such cities who holds a rank in such police force for which the annual salary is listed in section 84.160, RSMo;

(18) “Prior service”, all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

(19) **“Reserve officer”, any member of the police reserve force of such cities, armed or unarmed, who works less than full time without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;**

(20) “Retirement allowance”, annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;

[ (20) ] (21) “Retirement system”, the police retirement system of the cities as defined in sections 86.200 to 86.366;

[ (21) ] (22) “Surviving spouse”, the surviving spouse of a member who was the member’s spouse at the time of the member’s death.

86.207. 1. All persons who become policemen and all policemen who enter or reenter the service of the city after the first day of October, 1957, become members as a condition of their employment and shall receive no pensions or retirement allowance from any other pension or retirement system supported wholly or in part by the city or the state of Missouri, nor shall they be required to make contributions under any other pension or retirement system of the city or the state of Missouri, anything to the contrary notwithstanding.

2. If any member ceases to be in service for more than one year unless the member has attained the age of fifty-five or has twenty years or more of creditable service, or if the member withdraws the member’s accumulated contributions or if the member receives benefits under the retirement system or dies, the member thereupon ceases to be a member; except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman. A member who has

terminated employment as a police officer, has actually retired and is receiving retirement benefits under the system shall be considered a retired member.

**3. A reserve officer shall not be considered a member of the system for the purpose of determining creditable service, nor shall any contributions be due. A reserve officer shall not be entitled to any benefits from the system other than those awarded when the reserve officer originally retired under section 86.250, nor shall service as a reserve officer prohibit distribution of those benefits.”; and**

Further amend said Substitute, Section 86.362, Pages 30-31, Lines 1-23, by deleting all of said Section and Lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 18

Amend House Amendment No. 18 to House Committee Substitute for Senate Bill No. 386, Page 14, Line 15 by deleting “”; and” and inserting in lieu thereof the following:

“138.140. 1. In all constitutional charter cities not situated within any county there shall be a board of equalization consisting of the assessor, who shall be its president, and [four] **six** taxpaying, property-owning citizens resident in the city for five years next before their appointment, who shall be appointed annually by the mayor on or before the [second Monday in May] **first day of July** of each year.

2. Each member shall take an oath similar to that required by law of members of county boards of equalization.

3. Their compensation shall be fixed by ordinance.

4. Vacancies or absences on the board of equalization caused by death, incapacity to perform duties, failure to attend three consecutive meetings, or resignation shall be filled forthwith by appointment by the mayor.

**5. Two of the six taxpaying, property-owning citizen residents of the board shall be designated by the mayor to serve as alternates to serve when one or more of the citizen residents are unavailable.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Bill No. 386, Section 65.610, Page 16, Line 35, by inserting the following after all of said line:

“67.110. 1. Each political subdivision in the state, except counties and any political subdivision located at least partially within any county with a charter form of government or any political subdivision located at least partially within any city not within a county, shall fix its ad valorem property tax rates as provided

in this section not later than September first for entry in the tax books. Each political subdivision located, at least partially, within a county with a charter form of government or within a city not within a county shall fix its ad valorem property tax rates as provided in this section not later than October first for entry in the tax books for each calendar year after December 31, 2008. Before the governing body of each political subdivision of the state, except counties, as defined in section 70.120, RSMo, fixes its rate of taxation, its budget officer shall present to its governing body the following information for each tax rate to be levied: the assessed valuation by category of real, personal and other tangible property in the political subdivision as entered in the tax book for the fiscal year for which the tax is to be levied, as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivisions for the preceding taxable year, the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rate proposed to be set. Should any political subdivision whose taxes are collected by the county collector of revenue fail to fix its ad valorem property tax rate by [September first] **the date provided under this section for such political subdivision**, then no tax rate other than the rate, if any, necessary to pay the interest and principal on any outstanding bonds shall be certified for that year.

2. The governing body shall hold at least one public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The governing body shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one newspaper qualified under the laws of the state of Missouri of general circulation in the county within which all or the largest portion of the political subdivision is situated, or such notice shall be posted in at least three public places within the political subdivision; except that, in any county of the first class having a charter form of government, such notice may be published in a newspaper of general circulation within the political subdivision even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the political subdivision for the fiscal year for which the tax is to be levied as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivision for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this chapter. Following the hearing the governing body of each political subdivision shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this section absolves political subdivisions of responsibilities under section 137.073, RSMo, nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

3. Each political subdivision of the state shall fix its property tax rates in the manner provided in this section for each fiscal year which begins after December 31, 1976. New or increased tax rates for political



subdivisions whose taxes are collected by the county collector approved by voters after September first of any year shall not be included in that year's tax levy except for any new tax rate ceiling approved pursuant to section 71.800, RSMo.

4. In addition to the information required under subsections 1 and 2 of this section, each political subdivision shall also include the increase in tax revenue due to an increase in assessed value as a result of new construction and improvement and the increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted.”; and

Further amend said Substitute, Section 115.607, Page 44, Line 85, by inserting the following after all of said line:

“137.073. 1. As used in this section, the following terms mean:

(1) “General reassessment”, changes in value, entered in the assessor’s books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) “Tax rate”, “rate”, or “rate of levy”, singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) “Tax rate ceiling”, a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate[; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year]. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) “Tax revenue”, when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term “tax revenue” shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, or as excess home dock city or county fees as provided in subsection 4 of section 313.820, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For

purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term “tax revenue”, as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor’s books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate may not exceed **the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. For the 2009 tax year, any political subdivision may levy a rate sufficient to generate substantially the same amount of tax revenue as was produced in the 2007 tax year from all taxable property, exclusive of any new construction or improvements attributable to tax years 2008 and 2009, except that such rate shall not exceed the greater of the rate in effect for the 1984 tax year or the most recent voter approved tax rate.** Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually,

and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for

each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term “improvements” shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year’s assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on February first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term “property” means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is

further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision (4) of this subsection. Nothing in this section shall be construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is required under the provisions of this section or from seeking voter approval of a reduction to such political subdivision's tax rate ceiling.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate

ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo, or otherwise contested. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

**11. Any political subdivision that levies a tax rate greater than the most recent voter-approved tax rate shall provide notice of such fact in a newspaper of general circulation within such political subdivision:**

- (1) No later than fourteen days following the setting of such tax rate;**
- (2) At least once between October fifteenth and November fifteenth of such tax year; and**
- (3) On December fifteenth of such tax year.**

**12. For all tax years beginning on or after January 1, 2010, the county collector shall include in each taxpayer's tax bill the current tax rate and the most recent voter-approved tax rate for each purpose for each political subdivision located at least partially within the county levying a tax on property.”; and**

Further amend said Substitute, Section 2, Page 86, Lines 1-9, by deleting all of said Section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Bill No. 386, Page 10, Section 52.370, Line 6, by



inserting after all of said line the following:

**“53.201. 1. As used in this section, the following terms mean:**

**(1) “Immediate family”, any parent, sibling, spouse, child, or dependent relative of a peace officer, whether the dependent relative lives with the peace officer or not;**

**(2) “Peace officer”, any peace officer as defined in section 590.010, RSMo, any county, state, or federal parole officer, or any federal pretrial officer.**

**2. No county assessor shall release the home address or any other information contained in any of the assessor’s records in any form, including any electronic format or any geographic information system, regarding any person who is a peace officer, or who is a member of the peace officer’s immediate family. Any peace officer or member of the peace officer’s immediate family desiring such information and address to remain confidential under this section shall send a written request to the assessor under this section, along with proof that such person is eligible to make a request under this section.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Bill No. 386, Page 59, Section 140.420, Line 9, by inserting after all of said line the following:

**“141.160. 1. The general law relating to taxation and the collection of delinquent taxes, as now existing, shall apply to counties of the first class having a charter form of government insofar as not inconsistent with the provisions of sections 141.010 to 141.160, except that counties of the first class operating under a charter form of government may hereafter elect to operate under the provisions of chapter 140, RSMo, the general law relating to the collection of delinquent taxes, by the enactment of an ordinance by the legislative body of such county.**

**2. In addition to any other provisions of law related to delinquent tax collection fees, in all counties having a charter form of government and more than six hundred thousand inhabitants, the collector shall collect on behalf of the county and pay into the county general fund an additional fee for the collection of delinquent and back taxes of five percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax.**

**3. The provisions of sections 141.010 to 141.160 shall not apply to counties of the first class not having a charter form of government, and such counties shall operate under the provisions of chapter 140, RSMo.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Bill No. 386, Section 233.103, Page 63, Line 9 by

inserting immediately after all of said section and line the following:

“287.067. 1. In this chapter the term “occupational disease” is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The “prevailing factor” is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The “prevailing factor” is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. “Loss of hearing due to industrial noise” is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. “Harmful noise” means sound capable of producing occupational deafness.

5. “Radiation disability” is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590, RSMo, if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department **or paid police officers of a paid police department certified under chapter 590, RSMo**, if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an

occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 22

Amend House Committee Substitute for Senate Bill No. 386, Section 429.015, Page 77, Line 62, by inserting after all of said line the following:

“429.110. Whenever property is sought to be charged with a lien under sections 429.010 to 429.340, and the owner of the property so sought to be charged shall not be a resident of this state, or shall have no agent in the county in which said property is situate, or when such owner shall be a resident of the state, but conceals himself, or has absconded, or absents himself from his usual place of abode, so that the notice required by section 429.100 cannot be served upon him, then, and in every such case, such notice may be [filed] **recorded** with the recorder of deeds of the county in which such property is situate, and when [filed] **recorded** shall have like effect as if served upon such owner or his agent in the manner contemplated by section 429.100; [and a copy of such notice so filed, together with the certificate of such recorder of deeds that the same is a correct copy of the notice so filed, shall be received in all courts of this state as evidence of the service, as herein provided, of such notice; and the recorder of deeds in each county of this state shall receive, file and keep every such notice so presented to him for filing, and shall further record the same at length in a separate book appropriately entitled; and for such service so performed, such recorder shall receive for each notice the sum of twenty-five cents, and for each copy so certified as aforesaid of each of said notices, shall receive the sum of fifty cents, to be paid by the party so filing or procuring such certified copy, as the case may be,] **such notice shall be accompanied by an applicable fee for recording** and [the costs of filing and of one certified copy] shall be taxed as costs in any lien suit to which the same pertains, to abide the result of the suit.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Bill No. 386, Section 319.015, Page 74, Line 106 by inserting immediately after said Line the following:

“319.306. 1. Any individual who uses explosives in Missouri shall obtain a blaster’s license, except those exempted in subsection 18 of this section. A person using explosives shall not be required to hold a blaster’s license, but all blasting on behalf of a person using explosives shall be performed only by licensed blasters. Applications for a blaster’s license or renewal of a blaster’s license shall be on a form designated

by the Missouri division of fire safety, and shall contain the following:

- (1) The applicant's full name;
- (2) The applicant's home address;
- (3) The applicant's date of birth;
- (4) The applicant's sex;
- (5) The applicant's physical description;
- (6) The applicant's driver's license number;
- (7) The applicant's current place of employment;
- (8) A listing of any other blasting license or certification held by the applicant, to include the name, address, and phone number of the regulatory authority that issued the license or certification;
- (9) Any other information required to fulfill the obligations of sections 319.300 to 319.345.

2. Any individual who has met the qualifications set forth in subsection 4 of this section may apply for a blaster's license.

3. An applicant for a blaster's license shall submit an application fee and two copies of the applicant's photograph with the application submitted to the division of fire safety. The amount of such fee shall be established by rule promulgated by the division of fire safety. The fee established by rule shall be no greater than the cost of administering this section, but shall not exceed one hundred dollars.

4. An applicant for a blaster's license shall:

- (1) Be at least twenty-one years of age;
- (2) Not have willfully violated any provisions of sections 319.300 to 319.345;
- (3) Not have knowingly withheld information or has not made any false or fictitious statement intended or likely to deceive in connection with the application;
- (4) Have familiarity and understanding of relevant federal and state laws relating to explosives materials;
- (5) Not have been convicted in any court of, or pled guilty to, a felony;
- (6) Not be a fugitive from justice;
- (7) Not be an unlawful user of any controlled substance in violation of chapter 195, RSMo;
- (8) Except as provided in subsections 11 and 13 of this section, have completed an approved blaster's training course that meets the requirements of subsection 14 of this section and [has] **have** successfully passed the licensing examination under the provisions of subdivisions (1) to (5) of subsection 15 of this section;

(9) Have accumulated at least one thousand hours of experience directly relating to the use of explosives within two years immediately prior to applying for a blaster's license and shall provide signed documentation from an employer, supervisor, or other responsible party verifying the applicant's experience;

(10) Not have been adjudicated as mentally defective; and

(11) Not advocate or knowingly belong to any organization or group that advocates violent action against any federal, state, or local government, or against any person.

5. Any individual holding a blaster's license under the provisions of this section shall promptly notify the division of fire safety if he or she has had any change of material fact relating to any qualification for holding a blaster's license.

6. If the division of fire safety finds that the requirements for a blaster's license have been satisfied, a license shall be issued to the applicant.

7. A blaster's license shall expire three years from the date of issuance. To qualify for a renewal of a blaster's license, an individual will be required to provide documentation of completing eight hours of training in an explosives-related course of instruction that is approved by the division of fire safety, at least half of which shall have been completed within the year prior to renewal. The remainder of such training for renewal of the license may be acquired at any time during the three-year period that a license is valid. Additional training beyond an accumulated eight hours during any three-year period is not valid for more than one subsequent renewal of the license.

8. Each license issued under the provisions of this section shall provide documentation to the license holder in the form of a letter or letter-sized certificate and a card that is approximately two inches by three inches in size. Each shall specify a unique license number, the name of the individual, his or her driver's license number, the individual's photograph, the blaster's license's effective date and its expiration date, and any other record-keeping information needed by the division of fire safety. In addition, the card form of the license shall contain a photographic image of the license holder.

9. Each individual required to have a blaster's license shall keep at least one form of license documentation on his or her person or at the site of blasting and shall provide documentation that he or she has a currently valid license to a representative of the division of fire safety upon a written or verbal request. No enforcement action shall be taken against any individual that cannot comply with such a request so long as the division of fire safety's records provide documentation that the individual has a valid blaster's license.

10. (1) A blaster's license issued under the provisions of this section may be suspended or revoked by the division of fire safety upon substantial proof that the individual holding the license has:

(a) Knowingly failed to monitor the use of explosives as provided in section 319.309;

(b) Negligently or habitually exceeded the limits established under section 319.312;

(c) Knowingly or habitually failed to create a record of blasts as required by section 319.315;

(d) Had a change in material fact relating to their qualifications for holding a blaster's license as described in subsection 4 of this section;

(e) Failed to advise the division of fire safety of any change of material fact relating to his or her qualifications for holding a blaster's license; or

(f) Knowingly made a material misrepresentation of any information by any means of false pretense, deception, fraud, misrepresentation, or cheating for the purpose of obtaining training or otherwise meeting the qualifications of obtaining a license.

(2) The division of fire safety shall provide any notice of suspension or revocation, as provided in subdivision (1) of this subsection, in writing, sent by certified mail to the last known address of the holder of the license. The notice may also be verbal, but this does not eliminate the requirement for written notice. Upon receipt of a verbal or written notice of suspension or revocation from the division of fire safety, the individual holding the license shall immediately surrender all copies of the license to a representative of the division of fire safety and shall immediately cease all blasting activity.

(3) The individual holding the license may appeal any suspension or revocation to the state blasting safety board established under section 319.324 within forty-five days of the date written notice was received. The division of fire safety shall immediately notify the chairman of the board that an appeal has been received and a hearing before the board shall be held. The board shall consider and make a decision on any appeal received by the division of fire safety within thirty days of the date the appeal is received by the division of fire safety. The board shall make a decision on the appeal by majority vote of the board and shall immediately notify the licensee of its decision in writing. The written statement of the board's decision shall be prepared by the division of fire safety or its designee and shall be approved by the chairman of the board. The approved statement of the board's decision shall be sent by certified mail to the last known address of the holder of the license.

11. Any individual whose license has been expired for a period of three years or less shall be required to successfully pass the examination as provided in subdivisions (1) to (5) of subsection 15 of this section and attend the eight hours of training required for renewal of a license as minimum qualifications for submitting an application for reinstatement of the license. Any individual whose license has been expired for a period of more than three years shall meet the qualifications set forth in subsection 4 of this section, including completing twenty hours of training and passing the examination, prior to applying for a blaster's license.

12. A license may be granted to applicants who within the last three years have held a valid license or certification from any other source if all of the qualifications for obtaining the license or certification meet or exceed the provisions of this section. It is the duty of the division of fire safety to investigate the qualifications required for obtaining a license or certification from any other source. Licenses or certification held prior to the effective date of the rule required by subsection 19 of this section shall be deemed to meet requirements for this subsection, provided that they meet requirements of the rule.

13. A license may be granted upon the application of an individual employed as a blaster on or before December 31, 2000, and who has accumulated one thousand hours of training or education pertaining to blasting and experience working for a specific person using explosives within two years immediately prior to applying for a license. The application shall include a statement of hours of experience in the form of an affidavit signed by the person using explosives who has employed or contracted with the blaster for the preceding two years. Such applicant also shall meet the requirement of subdivisions (1), (2), (3), (4), (5), (6), (7), (10), and (11) of subsection 4 of this section. Any individual granted a license under this subsection shall be limited to blasting performed for the person using explosives submitting the affidavit required by this subsection. Such licensee shall meet the requirements for continuing training required by subsection 7 of this section.

14. (1) The division of fire safety or its authorized agent shall offer annually at least two courses of instruction that fulfill the training requirement of qualifying for a blaster's license and two courses that fulfill the training requirement for renewal of a blaster's license. In addition, any person may apply to the division of fire safety for approval of a course of instruction that meets the training requirement of obtaining a blaster's license or renewal of a blaster's license. The application shall include a description of the qualifications of the instructor, a description of instructional materials to be used in the course, and an outline of the subject matter to be taught, including minimum hours of instruction on each topic. The division of fire safety shall review the application regarding the knowledge and experience of proposed instructors, the total hours of training and the adequacy of proposed training in subject matter with regard to the provisions of sections 319.300 to 319.345. If the division of fire safety determines that training proposed by the applicant is adequate, a letter of approval shall be issued to the applicant. The letter of approval shall be effective for a period of three years. If at any time the division of fire safety determines that an approved training course no longer meets the standards of this section, the letter of approval may be revoked with written notice. The division of fire safety or any person providing a course of instruction may charge an appropriate fee to recover the cost of conducting such instruction.

(2) To be approved by the division of fire safety, a blaster's training course shall contain at least twenty hours of instruction to prepare attendees for obtaining a blaster's license the first time, or eight hours of instruction to prepare attendees for obtaining a license renewal.

(3) Any person providing training in a course of instruction approved by the division of fire safety shall submit a list of individuals that attended any such course to the division of fire safety within ten business days after completion of the course.

(4) The division of fire safety shall maintain a current list of persons who provide approved training and shall make this list available by any reasonable means to professional and trade associations, labor organizations, universities, vocational schools, and others upon request.

15. (1) The division of fire safety shall approve a standard examination or examinations for the purpose of qualifying an individual to obtain a blaster's license. Each individual taking the examination shall pay a fee to the division of fire safety, or the division's agent, that is established by rule. Testing fees shall be

no greater than what is required to administer the testing provisions of this section and shall not exceed fifty dollars per test.

(2) Except as provided in subsection 11 of this section, no individual shall be allowed to take an examination for purposes of obtaining a blaster's license unless that individual has completed a training course approved by the division of fire safety. The individual must have completed an approved course of instruction as provided in subdivision (1) of subsection 14 of this section no longer than two years prior to taking the examination. The examination may be administered by any person approved to provide a course of instruction, as provided in subdivision (1) of subsection 14 of this section, at the site of instruction, provided that any such examination may, at the discretion of the state fire marshal, be conducted under the supervision of the division of fire safety. The division of fire safety may also administer such examinations at other times and locations.

(3) Standards for passing the examination shall be set by the division of fire safety by rule.

(4) The division of fire safety or its authorized agent shall provide a written statement within thirty days to the individual taking the examination as to whether that individual passed or failed.

(5) Any individual failing to pass the examination may retake the examination within six months without having to complete an additional approved course of instruction. If the individual fails the second examination, the person must complete another course of instruction as required in subdivision (1) of subsection 14 of this section before taking the examination again. No limit will be placed on how many times any individual may take the examination, subject to the provisions of this subdivision .

(6) Individuals having previously taken an approved blaster's training course, and passed an approved examination, and having taken an approved blaster's renewal training course, or that have obtained a blaster's license as provided in subsections 12 and 13 of this section are eligible for renewal of a blaster's license after meeting the requirements of subsection 7 of this section. The fee for renewal of a license shall be the same as the fee specified in subsection 3 of this section.

16. No individual shall load or fire explosives or direct, order, or otherwise cause any individual to load or fire explosives in this state unless that individual has a valid blaster's license or is under the direct supervision and responsibility of an individual having a valid blaster's license. For purposes of this section, "direct supervision" means the supervisor is physically present on the same job site as the individual who is loading or firing explosives. An individual without a blaster's license who is loading or firing explosives while under the direct supervision and responsibility of someone having a blaster's license shall not be in violation of sections 319.300 to 319.345.

17. Persons found guilty of loading or firing explosives, or directing, ordering, or otherwise causing any individual to load or fire explosives in this state without having a valid blaster's license, or that loads and fires explosives without being under the direct supervision and responsibility of an individual holding a blaster's license as provided in sections 319.300 to 319.345, [shall be] is guilty of a class B misdemeanor for the first offense or a class A misdemeanor for a second or subsequent offense. Any individual convicted



of a class A misdemeanor under the provisions of sections 319.300 to 319.345 shall be permanently prohibited from obtaining a blaster's license in this state.

18. The requirement for obtaining a blaster's license shall not apply to:

(1) Individuals employed by universities, colleges, or trade schools when the use of explosives is confined to instruction or research;

(2) Individuals using explosive materials in the forms prescribed by the official U.S. Pharmacopoeia or the National Formulary and used in medicines and medicinal agents;

(3) Individuals conducting training or emergency operations of any federal, state, or local government including all departments, agencies, and divisions thereof, provided they are acting in their official capacity and in the proper performance of their duties or functions;

(4) Individuals that are members of the armed forces or any military unit of Missouri or the United States who are using explosives while on official training exercises or who are on active duty;

(5) Individuals using pyrotechnics, commonly known as fireworks, including signaling devices such as flares, fuses, and torpedoes;

(6) Individuals using small arms ammunition and components thereof which are subject to the Gun Control Act of 1968, 18 U.S.C., Section 44, and regulations promulgated thereunder;

(7) Any individual performing duties in underground mines regulated by 30 CFR Part 48, Subpart A, 30 CFR Part 57, or performing duties in coal mining regulated by 30 CFR Part 75, and 30 CFR Part 77 of the Code of Federal Regulations, as amended, or using explosives within an industrial furnace;

(8) Any individual having a valid blaster's license or certificate issued under the provisions of any requirement of the U.S. government in which the requirements for obtaining the license or certificate meet or exceed the requirements of sections 319.300 to 319.345;

(9) Individuals using agricultural fertilizers when used for agricultural or horticultural purposes;

(10) Individuals handling explosives while in the act of transporting them from one location to another;

(11) Individuals assisting or training under the direct supervision of a licensed blaster;

(12) Individuals handling explosives while engaged in the process of explosives manufacturing;

(13) Employees, agents, or contractors of rural electric cooperatives organized or operating under chapter 394, RSMo; [and]

(14) Individuals discharging historic firearms and cannon or reproductions of historic firearms and cannon; **and**

**(15) Individuals using explosive materials along with a well screen cleaning device for the purpose of unblocking clogged screens of agricultural irrigation wells.**

19. The division of fire safety shall promulgate rules under this section to become effective no later than July 1, 2008. Any individual loading or firing explosives after the effective date of such rule shall obtain a license within one hundred eighty days of the effective date of such rule. Any experience or training prior to the effective date of such rule that meets the standards established by the rule shall be deemed to comply with this section.

319.321. Sections 319.309, 319.312, 319.315, and 319.318 shall not apply to:

- (1) Universities, colleges, or trade schools when confined to the purpose of instruction or research;
- (2) The use of explosive materials in the forms prescribed by the official U.S. Pharmacopoeia or the National Formulary and used in medicines and medicinal agents;
- (3) The training or emergency operations of any federal, state, or local government including all departments, agencies, and divisions thereof, provided they are acting in their official capacity and in the proper performance of their duties or functions;
- (4) The use of explosives by the military or any agency of the United States;
- (5) The use of pyrotechnics, commonly known as fireworks, including signaling devices such as flares, fuses, and torpedoes;
- (6) The use of small arms ammunition and components thereof which are subject to the Gun Control Act of 1968, 18 U.S.C., Section 44, and regulations promulgated thereunder. Any small arms ammunition and components thereof exempted by the Gun Control Act of 1968 and regulations promulgated thereunder are also exempted from the provisions of sections 319.300 to 319.345;
- (7) Any person performing duties using explosives within an industrial furnace **or using explosives along with a well screen cleaning device for the purpose of unblocking clogged screens of agricultural irrigation wells**;
- (8) The use of agricultural fertilizers when used for agricultural or horticultural purposes;
- (9) The use of explosives for lawful demolition of structures;
- (10) The use of explosives by employees, agents, or contractors of rural electric cooperatives organized or operating under chapter 394, RSMo; and
- (11) Individuals discharging historic firearms and cannon or reproductions of historic firearms and cannon.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 24

Amend House Committee Substitute for Senate Bill No. 386, Section 67.304, Page 18, Line 32, by inserting the following at the end of said line:

**“The governing body may deny a permit for street solicitation on a particular street or**

**intersection for safety reasons, but must provide alternative sites.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Bill No. 386, Section 71.275, Page 28, Line 16, by inserting immediately after said line the following:

“78.090. **1.** Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall be nominated by a primary election, **except as provided in this section**, and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

**2. (1) In lieu of conducting a primary election under this section, any city organized under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of the primary election and the conduct of elections for mayor and councilman as provided in this subsection.**

**(2) Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.**

**(3) The city clerk shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk. Above the names of the candidates shall appear the words “Vote for (number to be elected)”. The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 26

Amend House Committee Substitute for Senate Bill No. 386, Section 233.103, Page 63, Line 9 by inserting after all of said line the following:

“249.422. **1.** If approved by a majority of the voters voting on the proposal, any city, town, village or county on behalf of the unincorporated area, located either within the boundaries of a sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution or within any county of the first classification having a charter form of government with a population of more than two hundred ten thousand inhabitants but less than three hundred thousand inhabitants, may by city, town, village or county ordinance levy and impose annually for the repair of lateral sewer service lines on or connecting residential property

having six or less dwelling units a fee not to exceed fifty dollars per year. Any city, town, village, or county that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of chapter 448, RSMo, the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or less condominium units per building and each condominium unit shall be responsible for its proportionate share of any fee charged pursuant to this chapter, and in addition, any condominium unit shall, if determined to be responsible for and served by its own individual lateral sewer line, be treated as an individual residence regardless of the number of units in the development. It shall be the responsibility of the condominium owner or condominium association who are of the opinion that they are not properly classified as provided in this section to notify the county office administering the program. Where an existing sewer lateral program was in effect prior to August 28, 2003, condominium and apartment units not previously enrolled may be ineligible for enrollment if it is determined that the sewer lateral serving the unit is defective.

2. The question shall be submitted in substantially the following form:

Shall a maximum charge not to exceed fifty dollars be assessed annually on residential property for each lateral sewer service line serving six or less dwelling units on that property and condominiums that have six or less condominium units per building and any condominium responsible for its own individual lateral sewer line to provide funds to pay the cost of certain repairs of those lateral sewer service lines which may be billed quarterly or annually?

☐ YES

☐ NO

3. If a majority of the voters voting thereon approve the proposal provided for in subsection 2 of this section, the governing body of the city, town, village or county may enact an ordinance for the collection and administration of such fee in order to protect the public health, welfare, peace and safety. The **encumbered** funds collected pursuant to such ordinance shall be deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines. **The governing body of any county, city, town, or village may annually declare that unencumbered funds held in the special account are surplus, and may transfer such funds as provided in section 67.050, RSMo.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

#### **HOUSE BILLS ON THIRD READING**

**HCS for HB 62**, with **SCS**, entitled:

An Act to repeal sections 43.500, 43.503, 43.506, 43.540, 82.300, 191.225, 192.925, 195.202, 217.450, 217.460, 217.665, 217.670, 229.110, 302.311, 302.750, 311.310, 311.325, 311.326, 409.5-508, 409.6-604,

479.260, 488.5025, 544.665, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 559.106, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.093, 566.226, 568.045, 570.030, 570.040, 570.080, 575.060, 575.080, 575.150, 575.260, 577.029, 578.250, 578.255, 578.260, 578.265, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, 595.060, 595.209, and 650.055, RSMo, and section 302.060 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session and section 302.060 as enacted by house committee substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third general assembly, first regular session, and to enact in lieu thereof seventy new sections relating to crime, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Bartle.

**SCS** for **HCS** for **HB 62**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 62

An Act to repeal sections 43.500, 43.503, 43.506, 43.540, 82.300, 115.350, 174.700, 192.925, 195.214, 195.217, 195.218, 217.450, 217.460, 217.665, 217.670, 229.110, 302.311, 302.750, 303.024, 311.325, 311.326, 409.5-508, 409.6-604, 479.260, 488.5025, 544.665, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 561.021, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.147, 566.149, 566.226, 568.045, 570.030, 570.040, 570.080, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 575.260, 577.029, 578.025, 578.030, 578.250, 578.255, 578.260, 578.265, 589.400, 589.425, 595.027, 650.052, and 650.055, RSMo, section 302.060 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session and section 302.060 as enacted by house committee substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third general assembly, first regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in lieu thereof eighty-two new sections relating to crime, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Bartle moved that **SCS** for **HCS** for **HB 62** be adopted.

Senator Bartle offered **SS** for **SCS** for **HCS** for **HB 62**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 62

An Act to repeal sections 43.540, 115.350, 174.700, 195.214, 195.217, 195.218, 217.450, 217.460, 217.665, 229.110, 302.311, 302.750, 303.024, 311.325, 311.326, 544.665, 545.050, 550.040, 550.050,

550.070, 550.080, 550.090, 556.036, 561.021, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.147, 566.149, 568.045, 570.030, 570.040, 570.080, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 575.260, 576.050, 577.029, 578.030, 578.250, 578.255, 578.260, 578.265, 589.400, 589.425, 595.027, 650.050, 650.052, and 650.055, RSMo, section 302.060 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session and section 302.060 as enacted by house committee substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third general assembly, first regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in lieu thereof seventy-four new sections relating to crime, with penalty provisions and an emergency clause for certain sections.

Senator Bartle moved that **SS** for **SCS** for **HCS** for **HB 62** be adopted.

Senator Rupp offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Page 32, Section 311.326, Line 7, by inserting immediately after said line the following:

**“407.1500. 1. As used in this section, the following terms mean:**

**(1) “Breach of security” or “breach”, unauthorized access to and unauthorized acquisition of personal information maintained in computerized form by a person that compromises the security, confidentiality, or integrity of the personal information. Good faith acquisition of personal information by a person or that person's employee or agent for a legitimate purpose of that person is not a breach of security, provided that the personal information is not used in violation of applicable law or in a manner that harms or poses an actual threat to the security, confidentiality, or integrity of the personal information;**

**(2) “Consumer”, an individual who is a resident of this state;**

**(3) “Consumer reporting agency”, the same as defined by the federal Fair Credit Reporting Act, 15 U.S.C. Section 1681a;**

**(4) “Encryption”, the use of an algorithmic process to transform data into a form in which the data is rendered unreadable or unusable without the use of a confidential process or key;**

**(5) “Health insurance information”, an individual's health insurance policy number or subscriber identification number, any unique identifier used by a health insurer to identify the individual;**

**(6) “Medical information”, any information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional;**

**(7) “Owns or licenses” includes, but is not limited to, personal information that a business retains as part of the internal customer account of the business or for the purpose of using the information in transactions with the person to whom the information relates;**

**(8) “Person”, any individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, governmental agency, governmental instrumentality, public corporation, or any other legal or commercial entity;**

**(9) “Personal information”, an individual's first name or first initial and last name in combination with any one or more of the following data elements that relate to the individual if any of the data elements are not encrypted, redacted, or otherwise altered by any method or technology in such a manner that the name or data elements are unreadable or unusable:**

**(a) Social Security number;**

**(b) Driver's license number or other unique identification number created or collected by a government body;**

**(c) Financial account number, credit card number, or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account;**

**(d) Unique electronic identifier or routing code, in combination with any required security code, access code, or password that would permit access to an individual's financial account;**

**(e) Medical information; or**

**(f) Health insurance information.**

**“Personal information” does not include information that is lawfully obtained from publicly available sources, or from federal, state, or local government records lawfully made available to the general public;**

**(10) “Redacted”, altered or truncated such that no more than five digits of a social security number or the last four digits of a driver's license number, state identification card number, or account number is accessible as part of the personal information.**

**2. (1) Any person that owns or licenses personal information of residents of Missouri or any person that conducts business in Missouri that owns or licenses personal information in any form of a resident of Missouri shall provide notice to the affected consumer that there has been a breach of security following discovery or notification of the breach. The disclosure notification shall be:**

**(a) Made without unreasonable delay;**

**(b) Consistent with the legitimate needs of law enforcement, as provided in this section; and**

**(c) Consistent with any measures necessary to determine sufficient contact information and to determine the scope of the breach and restore the reasonable integrity, security, and confidentiality of the data system.**

**(2) Any person that maintains or possesses records or data containing personal information of residents of Missouri that the person does not own or license, or any person that conducts business in Missouri that maintains or possesses records or data containing personal information of a resident of Missouri that the person does not own or license, shall notify the owner or licensee of the information of any breach of security immediately following discovery of the breach, consistent with the legitimate needs of law enforcement as provided in this section.**

**(3) The notice required by this section may be delayed if a law enforcement agency informs the person that notification may impede a criminal investigation or jeopardize national or homeland security, provided that such request by law enforcement is made in writing or the person documents such request contemporaneously in writing, including the name of the law enforcement officer making the request and the officer's law enforcement agency engaged in the investigation. The notice required by this section shall be provided without unreasonable delay after the law enforcement agency communicates to the person its determination that notice will no longer impede the investigation or jeopardize national or homeland security.**

**(4) The notice shall at minimum include a description of the following:**

- (a) The incident in general terms;**
- (b) The type of personal information that was obtained as a result of the breach of security;**
- (c) A telephone number that the affected consumer may call for further information and assistance, if one exists;**
- (d) Contact information for consumer reporting agencies;**
- (e) Advice that directs the affected consumer to remain vigilant by reviewing account statements and monitoring free credit reports.**

**(5) Notwithstanding subdivisions (1) and (2) of this subsection, notification is not required if, after an appropriate investigation by the person or after consultation with the relevant federal, state, or local agencies responsible for law enforcement, the person determines that a risk of identity theft or other fraud to any consumer is not reasonably likely to occur as a result of the breach. Such a determination shall be documented in writing and the documentation shall be maintained for five years.**

**(6) For purposes of this section, notice to affected consumers shall be provided by one of the following methods:**

- (a) Written notice;**
- (b) Electronic notice for those consumers for whom the person has a valid e-mail address and who have agreed to receive communications electronically, if the notice provided is consistent with the provisions of 15 U.S.C. Section 7001 regarding electronic records and signatures for notices legally required to be in writing;**
- (c) Telephonic notice, if such contact is made directly with the affected consumers; or**
- (d) Substitute notice, if:**
  - a. The person demonstrates that the cost of providing notice would exceed one hundred thousand dollars; or**
  - b. The class of affected consumers to be notified exceeds one hundred fifty thousand; or**
  - c. If the person does not have sufficient contact information or consent to satisfy paragraphs (a), (b), or (c) of this subdivision, for only those affected consumers without sufficient contact information or consent; or**
  - d. If the person is unable to identify particular affected consumers, for only those unidentifiable**



consumers.

(7) Substitute notice under paragraph (d) of subdivision (6) of this subsection shall consist of all the following:

- a. E-mail notice when the person has an electronic mail address for the affected consumer;
- b. Conspicuous posting of the notice or a link to the notice on the Internet web site of the person if the person maintains an Internet web site; and
- c. Notification to major statewide media.

(8) In the event a person provides notice to more than one thousand consumers at one time pursuant to this section, the person shall notify, without unreasonable delay, the attorney general's office and all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in 15 U.S.C. Section 1681a(p), of the timing, distribution, and content of the notice.

3. (1) A person that maintains its own notice procedures as part of an information security policy for the treatment of personal information, and whose procedures are otherwise consistent with the timing requirements of this section, is deemed to be in compliance with the notice requirements of this section if the person notifies affected consumers in accordance with its policies in the event of a breach of security of the system.

(2) A person that is regulated by state or federal law and that maintains procedures for a breach of the security of the system pursuant to the laws, rules, regulations, guidances, or guidelines established by its primary or functional state or federal regulator is deemed to be in compliance with this section if the person notifies affected consumers in accordance with the maintained procedures when a breach occurs.

(3) A financial institution that is:

(a) Subject to and in compliance with the Federal Interagency Guidance Response Programs for Unauthorized Access to Customer Information and Customer Notice, issued on March 29, 2005, by the board of governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, and any revisions, additions, or substitutions relating to said interagency guidance; or

(b) Subject to and in compliance with the National Credit Union Administration regulations in 12 CFR Part 748; or

(c) Subject to and in compliance with the provisions of Title V of the Gramm-Leach-Bliley Financial Modernization Act of 1999, 15 U.S.C Sections 6801 to 6809;

shall be deemed to be in compliance with this section.

4. The attorney general shall have exclusive authority to bring an action to obtain actual damages for a willful and knowing violation of this section and may seek a civil penalty not to exceed one hundred fifty thousand dollars per breach of the security of the system or series of breaches of a similar nature that are discovered in a single investigation.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Pages 22-23, Section 302.311 of said page, by striking all of said section from the bill; and

Further amend said bill, Pages 23 and 24, Section 302.750, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Page 37, Section 561.021, Line 1 of said page, by inserting after all of said line the following:

**“3. A person who has served in the armed forces of the United States of America and who is found guilty of or pleads guilty or nolo contendere to any absence without leave offense, desertion offense, dangerous felony as defined in section 556.061, RSMo, or any other criminal offense, shall be ineligible to qualify as a candidate for or hold any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof, if he or she was required to serve not less than six months in a military prison or detention facility for such offense.”.**

Senator Ridgeway moved that the above amendment be adopted.

At the request of Senator Ridgeway, **SA 3** was withdrawn.

Senator McKenna offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Page 26, Section 303.024, Line 28, by inserting immediately after said line the following:

**“304.820. 1. Except as otherwise provided in this section, no person operating a moving motor vehicle upon the highways of this state shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message.**

**2. The provisions of subsection 1 of this section shall not apply to a person operating:**

**(1) An authorized emergency vehicle; or**

**(2) A moving motor vehicle while using a hand-held electronic wireless communications device to:**

**(a) Report illegal activity;**

**(b) Summon medical or other emergency help;**

**(c) Prevent injury to a person or property; or**

**(d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.**

**3. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a motor vehicle upon the highways of this state.**

**4. As used in this section, “electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. “Electronic message” includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an Internet site.**

**5. As used in this section, “hand-held electronic wireless communications device” includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.**

**6. As used in this section, “making or taking part in a telephone call” means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.**

**7. As used in this section, “send, read, or write a text message or electronic message” means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.**

**8. A violation of this section shall be deemed an infraction and shall be deemed a moving violation for purposes of point assessment under section 302.302, RSMo.**

**9. The state preempts the field of regulating the use of hand-held electronic wireless communications devices in motor vehicles, and the provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of hand-held electronic wireless communication devices by the operator of a motor vehicle.**

**10. The provisions of this section shall not apply to:**

**(1) The operator of a vehicle that is lawfully parked or stopped;**

**(2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance;**

**(3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;**

**(4) The use of voice operated technology;**

**(5) The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service.”; and**

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered SA 5:

## SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Page 82, Section 578.026, Line 1, by inserting immediately after said line the following:

**“578.028. Any person who removes an electronic or radio transmitting collar from a dog without the permission of the owner of the dog with the intent to prevent or hinder the owner from locating the dog, is guilty of a class A misdemeanor. Upon a plea or finding of guilt, the court shall order that the defendant pay as restitution the actual value of any dog lost or killed as a result of such removal. The court may also order restitution to the owner for any lost breeding revenues.”; and**

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered SA 6, which was read:

## SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Pages 97-98, Section 650.050, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Green offered SA 7:

## SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Page 36, Section 561.021, Line 15, by striking the opening and closing brackets; and

Further amend said page and section, line 19 inserting after the word “felony,” the following:

**“and such felony occurs within ten years of the person seeking candidacy or office,”; and**

further amend said page and section, line 24 by striking the opening bracket; and

further amend said page and section, line 27 inserting after the word “suffrage” the following:

**“or a dangerous felony as defined under section 556.061, RSMo”; and**

further amend page 37, line 1, by striking the closing bracket; and

further amend said page and section, line 1 by inserting immediately after said line the following:

**“4. A person who has served in the armed forces of the United States of America and who is found guilty of or pleads guilty or nolo contendere to any absence without leave offense, desertion offense, dangerous felony as defined in section 556.061, RSMo, or any other criminal offense, and such offense occurs within ten years of the person seeking candidacy or office, shall be ineligible to qualify as a candidate for or hold any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof, if he or she was required to serve a period of incarceration of not less than one hundred twenty days in a military prison or detention facility for such offense.”.**

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Pages 80-82, Section 578.026, by striking all of said section from the bill; and

Further amend said bill, pages 82-83, section 578.030, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Page 112, Section 3, Line 19, by inserting immediately after said line the following:

**“Section 4. 1. No minor, by use of a telecommunications device, shall knowingly or recklessly create, receive, exchange, send, or possess a photograph, video, or other material that shows a minor in a way that shall be considered explicit sexual material as defined under section 573.010, RSMo.**

**2. It shall be no defense to a charge under this section that the minor creates, receives, exchanges, sends, or possesses a photograph, video, or other material that shows themselves in a piece of explicit sexual material as defined under section 573.010, RSMo.**

**3. A violation of this section shall be class B misdemeanor for a first violation. Any second or subsequent violation shall be a class A misdemeanor. A person convicted of or pleading guilty or nolo contendere to this section shall not be required to register on the sexual offender registry under sections 589.400 to 589.425, RSMo.”; and**

Further amend the title and enacting clause accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Bartle moved that **SS for SCS for HCS for HB 62**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SS for SCS for HCS for HB 62**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Bray—1

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Stouffer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 464**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 464

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 464, with House Amendments Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 464, as amended;
2. The Senate recede from its position on Senate Bill No. 464;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 464, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bill Stouffer

FOR THE HOUSE:

/s/ Brian Yates

/s/ Dan Clemens

/s/ Chris Molendorp

/s/ Carl M. Vogel

/s/ Steve Hobbs

/s/ Rita Heard Days

/s/ Al Liese

/s/ Ryan McKenna

/s/ Mike Colona

Senator Stouffer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

## NAYS—Senators—None

## Absent—Senators

Clemens McKenna—2

## Absent with leave—Senators—None

## Vacancies—None

On motion of Senator Stouffer, **CCS** for **HCS** for **SB 464**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 464

An Act to repeal sections 143.441, 147.010, 148.370, 301.560, 303.024, 374.456, 375.020, 375.1025, 375.1028, 375.1030, 375.1032, 375.1035, 375.1037, 375.1040, 375.1042, 375.1045, 375.1047, 375.1050, 375.1052, 375.1057, 375.1224, 376.428, 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, 379.1412, 382.400, 382.402, 382.405, 382.407, 382.409, 384.025, 384.031, 384.043, 384.051, 384.057, and 384.062, RSMo, and to enact in lieu thereof forty-six new sections relating to the regulation of insurance, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson
Wright-Jones—33							

## NAYS—Senators—None

## Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 262**, entitled:

An Act to repeal sections 1.020, 28.160, 41.950, 66.010, 82.300, 193.087, 193.215, 195.202, 208.040, 208.055, 210.145, 210.150, 210.152, 211.447, 211.462, 211.477, 217.450, 217.460, 229.110, 287.067, 317.001, 317.006, 317.011, 317.013, 317.014, 317.018, 317.019, 347.179, 347.183, 351.047, 351.085, 351.106, 351.120, 351.125, 351.127, 351.145, 351.155, 351.225, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151, 355.176, 355.576, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 359.681, 393.110, 429.609, 441.065, 441.233, 452.305, 452.310, 452.312, 452.343, 452.377, 452.400, 452.423, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 454.445, 454.500, 455.010, 455.038, 455.040, 456.5-505, 473.543, 473.730, 473.770, 476.055, 476.415, 477.600, 478.003, 478.320, 478.464, 478.513, 478.630, 479.080, 479.260, 483.015, 484.020, 485.077, 487.020, 488.012, 488.429, 488.5025, 511.480, 516.140, 516.200, 517.041, 517.141, 517.151, 535.020, 535.030, 535.120, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 561.031, 566.226, 595.209, 630.407, and 650.055, RSMo, and section 454.516 as enacted by senate substitute for senate committee substitute for house bill no. 2008, ninety-first general assembly, second regular session and section 454.516 as enacted by



conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first general assembly, second regular session, and to enact in lieu thereof two hundred eight new sections relating to courts and judicial proceedings, with penalty provisions.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 to House Amendment No. 2, House Amendment No. 3 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment Nos. 3 and 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment Nos. 6, 7, 8 and 9.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 262, Section 1.020, Page 3, Line 5 by inserting after the word **“location”** on said line the words **“, and United States postal service certified mail”**; and Further amend said Substitute, Section 41.950, Page 8, Line 69 by inserting immediately after all of said section and line the following:

“49.310. 1. Except as provided in sections 221.400 to 221.420, RSMo, and subsection 2 of this section, the county commission in each county in this state shall erect and maintain at the established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings for the preservation of the records of the county; except, that in counties having a special charter, the jailor workhouse may be located at any place within the county. In pursuance of the authority herein delegated to the county commission, the county commission may acquire a site, construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in counties wherein more than one place is provided by law for holding of court, the county commission may buy and equip or acquire a site and construct a building or buildings to be used as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places. The county commission may issue bonds as provided by the general law covering the issuance of bonds by counties for the purposes set forth in this section. In bond elections for these purposes in counties wherein more than one place is provided by law for holding of court, a separate ballot question may be submitted covering proposed expenditures in each separate site described therein, or a single ballot question may be submitted covering proposed expenditures at more than one site, if the amount of the proposed expenditures at each of the sites is specifically set out therein.

2. The county commission in all counties of the fourth classification [and], any county of the third classification with a population of at least fourteen thousand and not more than fourteen thousand five hundred inhabitants bordering a county of the first classification without a charter form of government with a population of at least eighty thousand and not more than eighty-three thousand **inhabitants, or any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants** may provide for the erection and maintenance of a good and sufficient jailor holding cell facility at a site in the county other than at the established seat of justice.”; and

Further amend said Substitute, Sections 317.001, 317.006, 317.011, 317.013, 317.014, 317.017, 317.018, and 317.019, Page 40, Line 1 to Page 46, Line 29 by deleting all of said sections and inserting in lieu thereof the following:

**“317.017. 1. No person shall promote, participate, or allow a person under the age of 18;**

**(1) to participate in a mixed martial arts sanctioned event; or**

**(2) to compete or spar in any cage or other type of enclosure other than a traditional boxing ring.**

**2. Any person who violates the provisions of this section is guilty of a class A misdemeanor.”;** and Further amend said Substitute, Sections 473.730 and 473.770, Page 129, Line 1 to Page 132, Line 63 by deleting all of said sections and inserting in lieu thereof the following:

“473.743. It shall be the duty of the public administrator to take into his or her charge and custody the estates of all deceased persons, and the person and estates of all minors, and the estates or person and estate of all incapacitated persons in his or her county, in the following cases:

(1) When a stranger dies intestate in the county without relations, or dies leaving a will, and the personal representative named is absent, or fails to qualify;

(2) When persons die intestate without any known heirs;

(3) When persons unknown die or are found dead in the county;

(4) When money, property, papers or other estate are left in a situation exposed to loss or damage, and no other person administers on the same;

(5) When any estate of any person who dies intestate therein, or elsewhere, is left in the county liable to be injured, wasted or lost, when the intestate does not leave a known husband, widow or heirs in this state;

(6) The persons of all minors under the age of fourteen years, whose parents are dead, and who have no legal guardian or conservator;

(7) The estates of all minors whose parents are dead, or, if living, refuse or neglect to qualify as conservator, or, having qualified have been removed, or are, from any cause, incompetent to act as such conservator, and who have no one authorized by law to take care of and manage their estate;

(8) The estates or person and estate of all disabled or incapacitated persons in his or her county who have no legal guardian or conservator, and no one competent to take charge of such estate, or to act as such guardian or conservator, can be found, or is known to the court having jurisdiction, who will qualify;

(9) Where from any other good cause, the court shall order him to take possession of any estate to prevent its being injured, wasted, purloined or lost;

(10) When moneys are delivered to the public administrator from the county coroner;

**(11) The public administrator shall act as trustee or successor trustee when as appointed by the circuit court or the probate division of the circuit court.”;** and

Further amend said Substitute, Section 475.375, Page 132, Line 1 to Page 133, Line 57 by deleting all of said section and inserting in lieu thereof the following:

**“475.375. 1. Any individual over the age of eighteen years who has been adjudged incapacitated under this chapter or who has been involuntarily committed under chapter 632, RSMo, may file a petition for the removal of the disqualification to purchase, possess, or transfer a firearm when:**

**(1) the individual no longer suffers from the condition that resulted in the individual’s incapacity or involuntary commitment:**

**(2) the individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. 922; and**

**(3) granting relief under this section is not contrary to the public interest.**

**No individual who has been found guilty by reason of mental disease or defect may petition a court for restoration under this section.**

**2. The petition shall be filed in the circuit court that entered the letters of guardianship or the most recent order for involuntary commitment, whichever is later. Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the hearing to the petitioner.**

**3. The burden is on the petitioner to establish by clear and convincing evidence that:**

**(1) The petitioner no longer suffers from the condition that resulted in the incapacity or the involuntary commitment:**

**(2) the individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. 922; and**

**(3) granting relief under this section is not contrary to the public interest.**

**4. Upon the filing of the petition the court shall review the petition and determine if the petition is based upon frivolous grounds and if so may deny the petition without a hearing. In order to determine whether petitioner has met the burden pursuant to this section, the court may request the local prosecuting attorney, circuit attorney, or attorney general to provide a written recommendation as to whether relief should be granted. In any order requiring such review the court may grant access to any and all mental health records, juvenile records, and criminal history of the petitioner wherever maintained. The court may allow presentation of evidence at the hearing if requested by the local prosecuting attorney, circuit attorney, or attorney general.**

**5. If the petitioner is filing the petition as a result of an involuntary commitment under chapter 632, RSMo, the hearing and records shall be closed to the public, unless the court finds that public interest would be better served by conducting the hearing in public. If the court determines the hearing should be open to the public, upon motion by the petitioner, the court may allow for the in-camera inspection of mental health records. The court may allow the use of the record but shall restrict from public disclosure, unless it finds that the public interest would be better served by making the record public.**

**6. The court shall enter an order that:**

**(1) The petitioner does or does not continue to suffer from the condition that resulted in commitment:**

**(2) the individual does or does not continue to pose a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. 922; and**

**(3) granting relief under this section is not contrary to the public interest. The court shall include in its order the specific findings of fact on which it bases its decision.**

**7. Upon a judicial determination to grant a petition under this section, the clerk in the county where the petition was granted shall forward the order to the Missouri state highway patrol for updating of the petitioner's record with the National Instant Criminal Background Check System**

(NICS).

**8. (1) Any person who has been denied a petition for the removal of the disqualification to purchase, possess, or transfer a firearm pursuant to this section shall not be eligible to file another petition for removal of the disqualification to purchase, possess, or transfer a firearm until the expiration of one year from the date of such denial.**

**(2) If a person has previously filed a petition for the removal of the disqualification to purchase, possess, or transfer a firearm and the court determined that:**

**(a) The petitioner's petition was frivolous: or**

**(b) The petitioner's condition had not so changed such that the person continued to suffer from the condition that resulted in the individual's incapacity or involuntary commitment and continued to pose a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. 922: or**

**(3) Granting relief under this section would be contrary to the public interest, then the court shall deny the subsequent petition unless the petition contains the additional facts upon which the court could find the condition of the petitioner had so changed that a hearing was warranted.”; and**

Further amend said Substitute, Section 537.055, Page 157, Line 3 by inserting immediately after all of said section and line the following:

**“537.296. In any action for private nuisance, if any party requests the court or jury to visit the property alleged to be affected by the nuisance, the court or jury shall visit the property.”; and**

Further amend said Substitute, Section 595.209, Page 170, Line 139 by inserting immediately after all of said section and line the following:

**“610.010. As used in this chapter, unless the context otherwise indicates, the following terms mean:**

**1. (1) “Closed meeting”, “closed record”, or “closed vote”, any meeting, record or vote closed to the public;**

**(2) “Copying”, if requested by a member of the public, copies provided as detailed in section 610.026, if duplication equipment is available;**

**(3) “Public business”, all matters which relate in any way to the performance of the public governmental body's functions or the conduct of its business;**

**(4) “Public governmental body”, any legislative, administrative or governmental entity created by the constitution or statutes of this state, by order or ordinance of any political subdivision or district, judicial entities when operating in an administrative capacity, or by executive order, including:**

**(a) Any body, agency, board, bureau, council, commission, committee, board of regents or board of curators or any other governing body of any institution of higher education, including a community college, which is supported in whole or in part from state funds, including but not limited to the administrative entity known as “The Curators of the University of Missouri” as established by section 172.020, RSMo;**

**(b) Any advisory committee or commission appointed by the governor by executive order;**

**(c) Any department or division of the state, of any political subdivision of the state, of any county or of any municipal government, school district or special purpose district including but not limited to sewer**

districts, water districts, and other subdistricts of any political subdivision;

(d) Any other legislative or administrative governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power;

(e) Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds including, but not limited to, entities created to advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory body, policy advisory committee or policy advisory group appointed by a president, chancellor or chief executive officer of any college or university system or individual institution at the direction of the governing body of such institution which is supported in whole or in part with state funds for the specific purpose of recommending directly to the public governmental body's governing board or the president, chancellor or chief executive officer policy, policy revisions or expenditures of public funds provided, however, the staff of the college or university president, chancellor or chief executive officer shall not constitute such a policy advisory committee. The custodian of the records of any public governmental body shall maintain a list of the policy advisory committees described in this subdivision;

(f) Any quasi-public governmental body. The term "quasi-public governmental body" means any person, corporation or partnership organized or authorized to do business in this state pursuant to the provisions of chapter 352, 353, or 355, RSMo, or unincorporated association which either:

a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or

b. Performs a public function as evidenced by a statutorily based capacity to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the contracting of leaseback agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from a public governmental body, but only to the extent that a meeting, record, or vote relates to such appropriation; and

(g) Any bi-state development agency established pursuant to section 70.370, RSMo;

(5) "Public meeting", any meeting of a public governmental body subject to sections 610.010 to 610.030 at which any public business is discussed, decided, or public policy formulated, whether such meeting is conducted in person or by means of communication equipment, including, but not limited to, conference call, video conference, Internet chat, or Internet message board. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one location in order to conduct public business;

(6) "Public record", any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for

the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years. **A record shall not be considered to be created or maintained on behalf of a public governmental body which has no control over its creation or retention.** The term “public record” shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any document or study prepared for a public governmental body by a consultant or other professional service as described in this subdivision shall be retained by the public governmental body in the same manner as any other public record;

(7) “Public vote”, any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.”; and

Further amend said Substitute, Section 630.407, Page 171, Line 9 by inserting immediately after the word “**region**” on said line the following:

“; (5) **Providers of job-training and employment services serving clients of the department, veterans, dislocated workers as well as residential and community integration services to clients of this division of developmental disabilities as an agent of the department**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 262, Page 36, Line 27 by deleting all of said line and inserting in lieu thereof the following:

**“state auditor shall be subject to a fine not to exceed fifty dollars per day.**

141.160. 1. The general law relating to taxation and the collection of delinquent taxes, as now existing, shall apply to counties of the first class having a charter form of government insofar as not inconsistent with the provisions of sections 141.010 to 141.160, except that counties of the first class operating under a charter form of government may hereafter elect to operate under the provisions of chapter 140, RSMo, the general law relating to the collection of delinquent taxes, by the enactment of an ordinance by the legislative body of such county.

**2. In addition to any other provisions of law related to delinquent tax collection fees, in all counties having a charter form of government and more than six hundred thousand inhabitants, the collector shall collect on behalf of the county and pay into the county general fund an additional fee for the collection of delinquent and back taxes of five percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax.**

**3. The provisions of sections 141.010 to 141.160 shall not apply to counties of the first class not having a charter form of government, and such counties shall operate under the provisions of chapter 140, RSMo.”;**

and”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO  
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to Senate Bill No. 262, Page 1, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

Amend House Committee Substitute for Senate Bill No. 262, Section 41.950, Page 8 Line 69, by inserting after all of said line the following:

“60.010. 1. At the regular general election in the year 1948, and every four years thereafter, the voters of each county of this state in counties of the second, third, and fourth classification shall elect a registered land surveyor as county surveyor, who shall hold [his] office for four years and until [his] a successor is duly elected, commissioned, and qualified. The person elected shall be commissioned by the governor.

2. No person shall be elected or appointed surveyor unless [he be] **such person is** a citizen of the United States, over the age of twenty-one years, [be] a registered land surveyor, and shall have resided within the state one whole year. An elected surveyor shall have resided within the county for which [he] **the person** is elected six months immediately prior to [his] election and shall after [his] election continue to reside within the county for which [he] **the person** is surveyor. An appointed surveyor need not reside within the county for which [he] **the person** is surveyor.

3. Notwithstanding the provisions of subsection 1 of this section, or any other law to the contrary, the county commission of any county of the third or fourth classification may appoint a surveyor following [a general election in which] **the deadline for filing for the office of surveyor [is on the ballot,] if no qualified candidate [seeks said] files for the office in a general election in which the office would have been on the ballot, provided that the notice required by section 115.345, RSMo, has been published in at least one newspaper of general circulation in the county.** The appointed surveyor shall serve at the pleasure of the county commission, however, an appointed surveyor shall forfeit said office once a qualified individual, who has been duly elected at a regularly scheduled general election where the office of surveyor is on the ballot and who has been commissioned by the governor, takes office. The county commission shall fix appropriate compensation, which need not be equal to that of an elected surveyor.”; and

Further amend said bill, Section 66.010, Page 10, Line 59, by inserting after all of said line the following;; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO  
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 262, Page 27, Section 71.1000, Line 9, by inserting after all of said line the following:

“84.120. 1. No person shall be appointed or employed as policeman, turnkey, or officer of police who shall have been convicted of, or against whom any indictment may be pending, for any offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so appointed who is not of good character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical strength and courage. **The board may develop**

**a test to measure ordinary physical strength for employed commissioned police officers; however, the test shall not be used as the sole factor in determining a police officer's continuing employment.** The patrolmen and turnkeys hereafter appointed shall serve while they shall faithfully perform their duties and possess mental [and physical] ability and be subject to removal only for cause after a hearing by the boards, who are hereby invested with the jurisdiction in the premises.

2. The board shall have the sole discretion whether to delegate portions of its jurisdiction to hearing officers. The board shall retain final and ultimate authority over such matters and over the person to whom the delegation may be made. In any hearing before the board under this section, the member involved may make application to the board to waive a hearing before the board and request that a hearing be held before a hearing officer.

3. Nothing in this section or chapter shall be construed to prohibit the board of police commissioners from delegating any task related to disciplinary matters, disciplinary hearings, or any other hearing or proceeding which could otherwise be heard by the board or concerning any determination related to whether an officer is able to perform the necessary functions of the position. Tasks related to the preceding matter may be delegated by the board to a hearing officer under the provisions of subsection 4 of this section.

4. (1) The hearing officer to whom a delegation has been made by the board may, at the sole discretion of the board, perform certain functions, including but not limited to the following:

(a) Presiding over a disciplinary matter from its inception through to the final hearing;

(b) Preparing a report to the board of police commissioners; and

(c) Making recommendations to the board of police commissioners as to the allegations and the appropriateness of the recommended discipline.

(2) The board shall promulgate rules, which may be changed from time to time as determined by the board, and shall make such rules known to the hearing officer or others.

(3) The board shall at all times retain the authority to render the final decision after a review of the relevant documents, evidence, transcripts, videotaped testimony, or report prepared by the hearing officer.

5. Hearing officers shall be selected in the following manner:

(1) The board shall establish a panel of not less than five persons, all who are to be licensed attorneys in good standing with the Missouri Bar. The composition of the panel may change from time to time at the board's discretion;

(2) From the panel, the relevant member or officer and a police department representative shall alternatively and independently strike names from the list with the last remaining name being the designated hearing officer. The board shall establish a process to be utilized for each hearing which will determine which party makes the first strike and the process may change from time to time;

(3) After the hearing officer is chosen and presides over a matter, such hearing officer shall become ineligible until all hearing officers listed have been utilized, at which time the list shall renew, subject to officers' availability."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 262, Section 66.010, Page 10, Line 59 by



inserting immediately after all of said section and line the following:

“67.456. 1. The average maturity of bonds or notes issued under the neighborhood improvement district act after August 28, 2004, shall not exceed one hundred twenty percent of the average economic life of the improvements for which the bonds or notes are issued.

2. Any improvement for which a petition is filed or an election is held under section 67.457 after August 28, 2004, including improvements to or located on property owned by a city or county, shall include provisions for maintenance of the project during the term of the bonds or notes.

3. In the event that, after August 28, 2004, any parcel of property within the neighborhood improvement district is divided into more than one parcel of property after the final costs of the improvement are assessed, all unpaid final costs of the improvement assessed to the original parcel that was divided [shall be recalculated and] **may, within sixty days after recordation of proof of division of such parcel in the real property records of the county or city not within a county where the district is located, be reallocated effective as of the next ensuing January first following such division, but only as to the newly created parcels, by the city or county that formed the district. Such reallocation shall be in accordance with the method for assessment of the original parcel set forth in the ballot question or petition related to the formation of the district described in section 67.457, with such amounts to be certified to the county clerk and county collector, or the equivalent officers in a city not within a county, and which amounts shall be used for reassessment of the newly created parcels. If the city or county that formed the district does not reallocate the assessments on the newly created parcels in accordance with the original method of assessment and certify such information to the county clerk and county collector, or the equivalent officers in a city not within a county, within sixty days of recordation of proof of the division of the original parcel, the unpaid cost of the improvements assessed to the original parcel that was divided shall be reassessed** proportionally to each of the parcels resulting from the division of the original parcel, based on the assessed valuation of each resulting parcel. No parcel of property which has had the assessment against it paid in full by the property owner shall be reassessed under this section. No parcel of property shall have the initial assessment against it changed, except for any changes for special, supplemental, or additional assessments authorized under the state neighborhood improvement district act.

67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the “Community Improvement District Act”.

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) “Approval” or “approve”, for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) “Assessed value”, the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) “Blighted area”, an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace

to the public health, safety, morals or welfare in its present condition and use; or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

(4) “Board”, if the district is a political subdivision, the board of directors of the district, or if the district is a not-for-profit corporation, the board of directors of such corporation;

(5) “Director of revenue”, the director of the department of revenue of the state of Missouri;

(6) “District”, a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) “Election authority”, the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115, RSMo;

(8) “Municipal clerk”, the clerk of the municipality;

(9) “Municipality”, any city, village, incorporated town, or county of this state, or in any unincorporated area that is located in any county with a charter form of government and with more than one million inhabitants;

(10) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) “Owner”, for real property, the individual or individuals or entity or entities who own a fee interest in real property that is located within the district or their legally authorized representative **or representatives**; for business organizations and other entities, the owner shall be deemed to be the individual **or individuals** which [is] **are** legally authorized to represent the entity in regard to the district; **in the case of real property owned by individuals or entities as joint tenants, tenants in common, tenants by the entirety, or tenants in partnership, such joint tenants, tenants in common, tenants by the entirety, or tenants in partnership shall be considered one owner collectively for purposes of any vote cast or petition executed**;

(12) “Per capita”, one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety, tenants in partnership, except that with respect to a condominium created under sections 448.1-101 to 448.4-120, RSMo, “per capita” means one head count applied to the applicable unit owners’ association and not to each unit owner;

(13) “Petition”, a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) “Qualified voters”,

(a) For purposes of elections for approval of real property taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property which is to be subject to such real property taxes and is located within the district per the [tax] **real estate** records [for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county] **of the recorder of deeds where the district is located**, as of the thirtieth day prior to the date

of the applicable election;

(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the [tax] **real estate** records [for real property of the county clerk] **of the recorder of deeds where the district is located** as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board[,];

a. Registered voters [and]; or

**b. If no registered voters reside in the district, the owners of one or more parcels of real property** [which is not exempt from assessment or levy of taxes by the district and which is] located within the district per the [tax] **real estate** records [for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county] **of the recorder of deeds where the district is located**, of the thirtieth day prior to the date of the applicable election; and

**(d) Provided that, for the purposes of any election, each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an applicable mechanism for action for such voter. If a voter has no such mechanism, then its vote shall be cast by agreement of such individuals or entities as would be required under applicable law to convey by deed the entire parcel of property owned;**

(15) “Registered voters”, persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.

67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.

2. A petition is proper if, based on the [tax] **real estate** records of the [county clerk, or the collector of revenue if the district is located in a city not within a county] **recorder of deeds where the district is located**, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value, **as reflected by the tax records of the county where the proposed district is located**, of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

(a) The legal description of the proposed district, including a map illustrating the district boundaries;

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

(d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred;

(e) A statement as to whether the district will be a political subdivision or a not for profit corporation and if it is to be a not for profit corporation, the name of the not for profit corporation;

(f) If the district is to be a political subdivision, a statement as to whether the district will be governed by a board elected by the **qualified voters in the** district or whether the board will be appointed by the municipality, and, if the board is to be elected by the **qualified voters in the** district, the names and terms of the initial board may be stated;

(g) If the district is to be a political subdivision, the number of directors to serve on the board;

(h) The total assessed value, **as reflected by the tax records of the county where the proposed district is located**, of all real property within the proposed district;

(i) A statement as to whether the petitioners are seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;

(j) The proposed length of time for the existence of the district;

(k) The maximum rates of real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, that may be submitted to the qualified voters for approval;

(l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;

(m) The limitations, if any, on the borrowing capacity of the district;

(n) The limitations, if any, on the revenue generation of the district;

(o) Other limitations, if any, on the powers of the district;

(p) A request that the district be established; and

(q) Any other items the petitioners deem appropriate; and

(4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information:

Name of owner: . . . . .

Owner's telephone number and mailing address: . . . . .

If signer is different from owner:

Name of signer: . . . . . State basis of legal authority to sign: . . . . .

Signer's telephone number and mailing address: . . . . .

If the owner is an individual, state if owner is single or married: . . . . .

If owner is not an individual, state what type of entity: . . . .

Map and parcel number and assessed value of each tract of real property within the proposed district owned:

. . . . .

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

.....

Signature of person signing for owner Date

STATE OF MISSOURI )

) ss.

COUNTY OF . . . . )

Before me personally appeared . . . . ., to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this . . . . . day of . . . . . (month), . . . . . (year).

.....

Notary Public

My Commission Expires: . . . . .

3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to exceed ninety days after receipt of the petition, review and determine whether the petition substantially complies with the requirements of subsection 2 of this section. In the event the municipal clerk receives a petition which does not meet the requirements of subsection 2 of this section, the municipal clerk shall, within a reasonable time, return the petition to the submitting party by hand delivery, first class mail, postage prepaid or other efficient means of return and shall specify which requirements have not been met.

4. After the close of the public hearing required pursuant to subsection 1 of this section, the governing body of the municipality may adopt an ordinance approving the petition and establishing a district as set forth in the petition and may determine, if requested in the petition, whether the district, or any legally described portion thereof, constitutes a blighted area.

5. Amendments to a petition may be made which do not change the proposed boundaries of the proposed district if an amended petition meeting the requirements of subsection 2 of this section is filed with the municipal clerk at the following times and the following requirements have been met:

(1) At any time prior to the close of the public hearing required pursuant to subsection 1 of this section; provided that, notice of the contents of the amended petition is given at the public hearing;

(2) At any time after the public hearing and prior to the adoption of an ordinance establishing the proposed district; provided that, notice of the amendments to the petition is given by publishing the notice in a newspaper of general circulation within the municipality and by sending the notice via registered certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district per the [tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county] **real estate records of the recorder of deeds where the district is located as of a date no earlier than thirty days prior to the mailing.** Such notice shall be published and mailed not less than ten days prior to the adoption of the ordinance establishing the district;

(3) At any time after the adoption of any ordinance establishing the district a public hearing on the amended petition is held and notice of the public hearing is given in the manner provided in section 67.1431 and the governing body of the municipality in which the district is located adopts an ordinance approving the amended petition after the public hearing is held.

6. Upon the creation of a district, the municipal clerk shall report in writing the creation of such district to the Missouri department of economic development.

67.1451. 1. If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with chapter 355, RSMo.

2. The district shall be governed by a board consisting of at least five but not more than thirty directors. Each director shall, during his or her entire term, be:

(1) At least eighteen years of age; and

(2) Be either:

(a) An owner, as defined in section 67.1401, of real property or of a business operating within the district; or

(b) A registered voter residing within the district; and

(3) Any other qualifications set forth in the petition establishing the district. If there are fewer than five owners of real property located within a district, the board may be comprised of up to five legally authorized representatives of any of the owners of real property located within the district **or of any of the businesses operating within the district.**

3. If the district is a political subdivision, the board shall be elected or appointed, as provided in the petition.

4. If the board is to be elected, the procedure for election shall be as follows:

(1) The municipal clerk shall specify a date on which the election shall occur which date shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

(2) The election shall be conducted in the same manner as provided for in section 67.1551, provided that the published notice of the election shall contain the information required by section 67.1551 for published notices, except that it shall state that the purpose of the election is for the election of directors, in lieu of the information related to taxes;

(3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than the second Tuesday after the effective date of the ordinance establishing the district with the municipal clerk a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(4) The director or directors to be elected shall be elected at large. The person receiving the most votes shall be elected to the position having the longest term; the person receiving the second highest votes shall be elected to the position having the next longest term and so forth. For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for a two-year term, one-half shall serve for a four-year

term and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected. For any district formed on or after August 28, 2003, for the initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected, **provided that if the terms of directors cannot be divided in accordance with this section because such directors received the same number of votes, the directors serving two- and four-year terms shall be designated either:**

**(a) By a majority vote of directors at the first meeting thereof; or**

**(b) If not determined under paragraph (a) of this subdivision, then thereafter by lot conducted by the election authority, after notification to the candidates of the time and place of such drawing;**

(5) Successor directors shall be elected in the same manner as the initial directors. The date of the election of successor directors shall be specified by the municipal clerk which date shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the expiring director. **If no registered voters reside in the district, then in lieu of the election referenced in this subsection, successor directors may be elected by the qualified voters at a meeting of the qualified voters called by the board for such purpose. For the purposes of such meeting, qualified voters may participate and vote by proxy or in any manner permitted by chapter 610, RSMo. If a qualified voter is participating in the meeting by proxy, the proxy shall be granted in writing and filed with the board of directors of the district at the meeting. At any such meeting, attendance by qualified voters owning in the aggregate more than fifty percent of the total acreage owned by qualified voters shall constitute a quorum. Each qualified voter shall be entitled to one vote per acre, prorated to the nearest one-tenth of an acre.** Each successor director shall serve a term for the length specified prior to the election by the **qualified voters of the district**, which term shall be at least three years and not more than four years, and shall continue until such director's successor is elected. In the event of a vacancy on the board of directors, the remaining directors shall elect an interim director to fill the vacancy for the unexpired term.

5. If the petition provides that the board is to be appointed by the municipality, such appointments shall be made by the chief elected officer of the municipality with the consent of the governing body of the municipality. For any district formed prior to August 28, 2003, of the initial appointed directors, one-half of the directors shall be appointed to serve for a two-year term and the remaining one-half shall be appointed to serve for a four-year term until such director's successor is appointed; provided that, if there is an odd number of directors, the last person appointed shall serve a two-year term. For any district formed on or after August 28, 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term, and one-half shall be appointed to serve for the term specified by the district for successor directors pursuant to this subsection, and if an odd number of directors are appointed, the last person appointed shall serve for a two-year term; provided that each director shall serve until such director's successor is appointed. Successor directors shall be appointed in the same manner as the initial directors and shall serve for a term of years specified by the district prior to the appointment, which term shall be at least three years and not more than four years.

6. If the petition states the names of the initial directors, those directors shall serve for the terms specified in the petition and successor directors shall be determined either by the above-listed election process or appointment process as provided in the petition.

7. Any director may be removed for cause by a two-thirds affirmative vote of the directors of the board. Written notice of the proposed removal shall be given to all directors prior to action thereon.

8. The board is authorized to act on behalf of the district, subject to approval of qualified voters as required in this section; except that, all official acts of the board shall be by written resolution approved by the board.

67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property [within its boundaries], personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;



(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

(13) To loan money as provided in sections 67.1401 to 67.1571;

(14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

(15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance [within the boundaries of the district] including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

(16) [Within its boundaries,] To provide assistance to or to construct, reconstruct, install, repair, maintain, **operate**, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees, and any other landscape;

(c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;

(e) Parking lots, garages, or other facilities;

(f) Lakes, dams, and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;

(i) Paintings, murals, display cases, sculptures, and fountains;

(j) Music, news, and child-care facilities; and

(k) Any other useful, necessary, or desired improvement;

(17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;

(18) [Within its boundaries and] With the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;

(19) [Within its boundaries,] To **acquire**, operate, **construct**, **improve**, or to contract for the provision of music, news, child-care, or parking facilities[, and buses, minibuses, or other modes of transportation];

(20) **To acquire, operate, or to contract for the provision of buses, minibuses, or other modes of transportation;**

(21) Within its boundaries, to lease space for sidewalk café tables and chairs;

[ (21) Within its boundaries,] (22) To provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons **within the boundaries of the district;**

[(22)] **(23)** Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property;

[(23)] **(24)** To produce and promote any tourism, recreational or cultural activity or special event [in] **benefiting** the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;

[(24)] **(25)** To support business activity and economic development [in] **benefiting** the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

[(25)] **(26)** To provide or support training programs for employees of businesses within the district;

[(26)] **(27)** To provide refuse collection and disposal services within the district;

[(27)] **(28)** To contract for or conduct economic, planning, marketing or other studies;

[(28)] **(29)** To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and

[(29)] **(30)** To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to **acquire property and to** demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned **or to be owned** by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

67.1521. 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district **which is to be subject to special assessments**; and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district **which is to be subject to special assessments.**

2. The special assessment petition shall be in substantially the following form:

The ..... (insert name of district) Community Improvement District ("District") shall be authorized to levy special assessments against real property benefited within the District for the purpose of providing revenue for ..... (insert general description of specific service and/or projects) in the district, such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by ..... (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed ..... dollars per (insert unit of measure). Such authorization to levy the special assessment shall expire on ..... (insert date). The tracts of land located in the district which will receive special benefit from this service and/or projects are: ..... (list of properties by common addresses and legal descriptions).

3. The method for allocating such special assessments set forth in the petition may be any reasonable method which results in imposing assessments upon real property benefited in relation to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to provide such benefit.

4. By resolution of the board, the district may levy a special assessment rate lower than the rate ceiling set forth in the petition authorizing the special assessment and may increase such lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth in the petition without further approval of the real property owners; provided that a district imposing a special assessment pursuant to this section may not repeal or amend such special assessment or lower the rate of such special assessment if such repeal, amendment or lower rate will impair the district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations that it has issued.

5. Each special assessment which is due and owing shall constitute a perpetual lien against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the same manner as any other special assessment lien as provided in section 88.861, RSMo.

6. A separate fund or account shall be created by the district for each special assessment levied and each fund or account shall be identifiable by a suitable title. The proceeds of such assessments shall be credited to such fund or account. Such fund or account shall be used solely to pay the costs incurred in undertaking the specified service or project.

7. Upon completion of the specified service or project or both, the balance remaining in the fund or account established for such specified service or project or both shall be returned or credited against the amount of the original assessment of each parcel of property pro rata based on the method of assessment of such special assessment.

8. Any funds in a fund or account created pursuant to this section which are not needed for current expenditures may be invested by the board in accordance with applicable laws relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812, RSMo,

shall not apply to any district.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by [mail-in ballot,] **any method specified in subsection 3 or 11 of this section**, a proposal to authorize a sales and use tax pursuant to this section. **In the case of an election**, if a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted[.], **and** if a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the ..... (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of the purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

**3. Upon passage of the resolution described in subsection 1 of this section, in lieu of the election referenced in subsection 1 of this section, if no registered voters reside within the district, one hundred percent of the owners of real property in the district, according to real estate records of the recorder of deeds where the district is located as of the date of the submission of the petition to the board of directors of such district as described in this subsection, may authorize a sales and use tax by unanimous petition. Such petition shall state that the undersigned approve the resolution of the board imposing the sales tax. The signature block for each owner signing the petition shall be in substantially the form set forth in subdivision (4) of subsection 2 of section 67.1421 and shall contain the same information. Such petition shall be submitted to the board of directors of the district who shall verify that no registered voters reside within the district and the signatures thereon represent one hundred percent of the owners of real property in the district. The results of such verification shall be entered into the records of the district, and the date of such entry shall be equivalent of the date of the election held under subsection 1 of this section.**

**4. Within ten days after the qualified voters have approved the imposition of the sales and use tax, or within ten days after district verification as provided in subsection 3 of this section**, the district shall, in accordance with section 32.087, RSMo, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

[4.] **5. The director of the department of revenue shall collect any tax adopted pursuant to this section**

pursuant to section 32.087, RSMo.

[5.] 6. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

[6.] 7. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285, RSMo.

[7.] 8. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.

[8.] 9. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

[9.] 10. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

[10.] 11. Notwithstanding the provisions of [chapter 115, RSMo, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section] **sections 115.001 to 115.641, RSMo, the district may elect to proceed with the election under the provisions of sections 115.001 to 115.646, RSMo, or sections 115.650 to 115.660, RSMo, whether or not registered voters reside within the district.**

67.1551. 1. Notwithstanding the provisions of chapter 115, RSMo, an election for real estate tax pursuant to sections 67.1401 to 67.1571 shall be conducted in accordance with the provisions of this section.

2. After the board has passed a resolution for the levy of real property tax and a vote of the qualified voters is required, the board shall provide written notice of such resolution to the election authority. The board shall be entitled to rescind such resolution provided that written notice of such rescission is delivered to the election authority prior to the time the election authority mails the ballots to the qualified voters.

3. Upon receipt of written notice of a district's resolution for the levy of a real property tax the election authority shall:

(1) Specify a date upon which the election shall occur which date shall be a Tuesday, and shall be not earlier than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date of the board's passage of the resolution and shall not be on the same day as an election conducted pursuant to the provisions of chapter 115, RSMo;

(2) Publish notice of the election in a newspaper of general circulation within the municipality two times.

The first publication date shall be more than sixty days prior to the date of the election and the second publication date shall be not more than thirty days and not less than ten days prior to the date of the election. The published notice shall include, but not be limited to, the following information:

- (a) The name and general boundaries of the district;
- (b) The type of tax proposed, its rate, purpose and duration;
- (c) The date the ballots for the election shall be mailed to qualified voters;
- (d) The date of the election;
- (e) Qualified voters will consist of:

a. Such persons who reside within the district and who are registered voters pursuant to the records of the election authority as of the thirtieth day prior to the date of the election; or

b. If no such registered voters reside in the district, the owners of real property located within the district [pursuant to the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county] **per the real estate records of the recorder of deeds where the district is located**, for real property as of the thirtieth day prior to the date of the election;

(f) A statement that persons residing in the district shall register to vote with the election authority on or before the thirtieth day prior to the date of the election in order to be a qualified voter for purposes of the election;

(g) A statement that the ballot must be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked, not later than the date of the election; and

(h) A statement that any qualified voter that did not receive a ballot in the mail or lost the ballot received in the mail may pick up a mail-in ballot at the election authority's office, specifying the dates and time such ballot will be available and the location of the election authority's office;

(3) The election authority shall mail to each qualified voter not more than fifteen days and not less than ten days prior to the date of the election together with a notice containing substantially the same information as the published notice and a return addressed envelope directed to the election authority's office with a sworn affidavit on the reverse side of such envelope for the qualified voter's signature. For purposes of mailing ballots to real property owners only one ballot shall be mailed per capita at the address shown on the records of the county clerk, or the collector of revenue if the district is located in a city not within a county. Such affidavit shall be in substantially the following form: FOR REGISTERED VOTERS:

I hereby declare under penalties of perjury that I reside in the ..... (insert name) Community Improvement District and I am a registered voter and qualified to vote in this election.

.....

Qualified Voter's Signature

.....

Printed Name of Qualified Voter

FOR REAL PROPERTY OWNERS:

I hereby declare under penalty of perjury that I am the owner of real property in the ..... (insert name) Community Improvement District and qualified to vote in this election, or authorized to affix my signature on behalf of the owner (named below) of real property in the ..... (insert name) Community Improvement District which is qualified to vote in this election.

.....

Signature

.....

Print Name of Real Property Owner

If Signer is Different from Owner:

Name of Signer: ..... State Basis of Legal Authority to Sign: ..... All persons or entities having a fee ownership in the property shall sign the ballot. Additional signature pages may be affixed to this ballot to accommodate all required signatures.

4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the authorized signature.

5. Mail-in ballots shall be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked, no later than the date of the election. The election authority shall transmit all voted ballots to a team of judges of not less than four, with an equal number from each of the two major political parties. The judges shall be selected by the municipal clerk from lists compiled by the election authority. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the election authority. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115, RSMo.

6. The results of the election shall be entered upon the records of the election authority and a certified copy of the election results shall be filed with the municipal clerk, who shall cause the same to be entered upon the records of the municipal clerk.

7. The district shall reimburse the election authority for the costs it incurs to conduct an election under this section.

**71.1000. 1. The governing body of any city, town, or village located in any county with a charter form of government and with more than one million inhabitants may enter into an annexation agreement with one or more of the owners of record of real property in unincorporated areas near the city, town, or village. The real property may be annexed to the city, town, or village in the manner provided in this chapter at the time the real property is or becomes contiguous to the city, town, or village. The annexation agreement shall be valid and binding for a period of not to exceed twenty years from the date of its execution.**

**2. Any such annexation agreement may provide for the following as it relates to the real property that is the subject of the agreement:**

**(1) The annexation of such territory to the city, town, or village, subject to the provisions of this chapter;**

(2) The continuation in effect, or amendment, or continuation in effect as amended, of any ordinance relating to subdivision controls, zoning, official plan, and building, housing, and related restrictions. Any public hearing required by law to be held before the adoption of any ordinance amendment provided in the agreement shall be held before the execution of the agreement, and all ordinance amendments provided in the agreement shall be enacted according to law;

(3) A limitation upon increases in permit fees required by the city, town, or village;

(4) Contributions of either real property or moneys, or both, to any political subdivision having jurisdiction over all or part of real property that is the subject matter of any annexation agreement entered into under this section shall be deemed valid when made and shall survive the expiration date of any such annexation agreement with respect to all or any part of the real property that was the subject matter of the annexation agreement;

(5) The granting of utility franchises for the real property;

(6) The abatement of property taxes; and

(7) Any other matter not inconsistent with nor prohibited by law.

3. Any action taken by the governing body of the city, town, or village during the period in which the agreement is in effect that would be a breach of the agreement if it applied to the real property which is the subject of the agreement shall not apply to the real property without an amendment of such agreement.

4. After the expiration date of any annexation agreement and unless otherwise provided for within the annexation agreement or an amendment to the annexation agreement, the provisions of any ordinance relating to the zoning of the real property that is provided for within the agreement or an amendment to the agreement shall remain in effect unless modified in accordance with law.

5. Real property that is the subject of an annexation agreement adopted under this section is subject to the ordinances, control, and jurisdiction of the annexing city, town, or village in all respects the same as real property that lies within the annexing city, town, or village's corporate limits.

6. Any annexation agreement and all amendments of annexation agreements shall be entered into as provided in this section. The governing body of the city, town, or village shall fix a time for and hold a public hearing upon the proposed annexation agreement or amendment, and shall give notice of the proposed agreement or amendment not more than thirty nor less than fifteen days before the date fixed for the hearing. The notice shall be published at least once in one or more newspapers published in the city, town, or village, or, if no newspaper is published there, then in one or more newspapers with a general circulation within the annexing city, town, or village. After the hearing the agreement or amendment may be modified before execution of the agreement or amendment. The annexation agreement or amendment shall be executed by the mayor or chief executive of the city, town, or village, and attested by the clerk of the city, town, or village only after the hearing and upon the adoption of a resolution or ordinance directing the execution. The resolution or ordinance shall not become effective unless approved by a vote of two-thirds of the governing body of the city, town, or village then holding office.

7. Any annexation agreement executed under this section shall be binding upon the successor owners of record of the real property which is the subject of the agreement and upon successor



authorities of the city, town, or village and successor cities, towns, or villages. Any party to the agreement may by civil action, mandamus, injunction, or other proceeding, enforce and compel performance of the agreement.

8. Any lawsuit to enforce and compel performance of the agreement shall be filed within the effective term of the agreement, or within five years from the date the cause of action accrued, whichever time is later.

9. Whenever a municipal ordinance or an annexation agreement authorized under this section requires the installation of water mains, sanitary sewers, drains, or other facilities for sewers and drains, the construction of any roadways, or the installation of any traffic signals or other traffic-related improvements as a condition of either the acceptance of a preliminary or final subdivision or plat, or a preliminary or final planned unit development plan, or the issuance of a building permit and where, in the opinion of the governing body of the city, town, or village, the facilities, roadways, or improvements may be used for the benefit of property not in the subdivision or planned unit development or outside the property for which a building permit has been issued, and the water mains, sanitary sewers, drains, or other facilities, roadways, or improvements are to be dedicated to the public, the governing body of the city, town, or village may by contract with the developer agree to reimburse and may reimburse the developer for a portion of the cost of the facilities, roadways, and improvements from fees charged to owners of property not within the subdivision, planned unit development, or property for which a building permit has been issued when and as collected from the owners. The contract shall describe the property outside the subdivision, planned unit development, or property for which a building permit has been issued that may reasonably be expected to benefit from the facilities, roadways, or improvements that are required to be constructed under the contract, and shall specify the amount or proportion of the cost of the facilities, roadways, or improvements that is to be incurred primarily for the benefit of that property. The contract shall provide that the municipality shall collect fees charged to owners of property not within the subdivision, planned unit development, or property for which a building permit has been issued at any time before the connection to and use of the facilities, roadways, or improvements by the respective properties of each owner. The contract may contain other and further provisions and agreements concerning the construction, installation, completion, and acceptance of the facilities, roadways, or improvements that the governing body of the city, town, or village in its opinion deems proper, and may also provide for the payment to the developer of a reasonable amount of interest on the amount expended by the developer in completing the facilities, roadways, and improvements, the interest to be calculated from and after the date of completion and acceptance of the facilities, roadways, and improvements.

10. Any contract entered into between the governing body of a municipality and a developer under this section shall be filed with the recorder of each county in which all or a part of the property affected thereby is located. The recording of the contract in this manner shall serve to notify persons interested in such property of the fact that there will be a charge in relation to such property for the connection to and use of the facilities constructed under the contract.”; and

Further amend said Substitute, Section 82.300, Page 11, Line 30, by inserting immediately after all of said section and line the following:

“84.150. The officers of the police force in each such city shall be as follows: One chief of police with the rank of colonel; [one assistant chief of police with the rank of lieutenant colonel; one chief of detectives

with the rank of lieutenant colonel; one inspector of police with the rank of lieutenant colonel; and two other lieutenant colonels, making a total of five lieutenant colonels, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional lieutenant colonel shall be appointed, making a total of six lieutenant colonels; one assistant chief of detectives with the rank of major and five other majors, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional major shall be appointed, making a total of seven majors; twenty-two captains, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional two captains shall be appointed, making a total of twenty-four captains; sixty-seven lieutenants, except that for each thirty-eight additional patrolmen appointed pursuant to the provisions of section 84.100 an additional lieutenant shall be appointed; two hundred sixty sergeants, except that for each nine additional patrolmen appointed pursuant to the provisions of section 84.100 an additional sergeant shall be appointed. No further appointments to the rank of corporal shall hereafter be made, but all members of the force now holding the rank of corporal shall continue in such rank until their promotion, demotion, removal, resignation or other separation from the force] **lieutenant colonels, not to exceed five in number and other such ranks and number of members within such ranks as the board from time to time deems necessary.** The officers of the police force shall have commissions issued to them by the boards of police commissioners, and those heretofore and those hereafter commissioned shall serve so long as they shall faithfully perform their duties and possess the necessary mental and physical ability, and be subject to removal only for cause after a hearing by the board, who are hereby invested with exclusive jurisdiction in the premises. [Any increase in the number of officers to be appointed, in addition to that provided for above, shall be permitted upon recommendation by the board of police commissioners with the approval of the municipal board of estimate and apportionment.]

84.175. 1. Upon recommendation of the chief of police, the board may authorize and provide for the organization of a police reserve force composed of [residents of the city] **members who receive a service retirement under the provisions of sections 86.200 to 86.366, RSMo, and** who qualify under the provisions of section 84.120. Such reserve force shall be under the command of the chief of police and shall be provided training, equipment, uniforms, and arms as the chief shall direct with the approval of the board[; and when assigned to active duty the]. Members of the reserve force shall possess all of the powers of regular police officers and shall be subject to all laws and regulations applicable to police officers; provided, however, that the city council or other governing body of any such city may in its discretion fix a total in number which the reserve force may not exceed.

2. In event of riot or other emergencies as declared and defined by the mayor, in concurrence with the board, the board, upon recommendation of the chief, may appoint special officers or patrolmen for temporary service in addition to the police reserve force herein provided for, but the length of time for which such officers or patrolmen shall be employed shall be limited to the time during which such emergency shall exist.”; and

86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) “Accumulated contributions”, the sum of all mandatory contributions deducted from the compensation of a member and credited to the member’s individual account, together with members’ interest thereon;

(2) “Actuarial equivalent”, a benefit of equal value when computed upon the basis of mortality tables

and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) “Board of trustees”, the board provided in sections 86.200 to 86.366 to administer the retirement system;

(7) “Creditable service”, prior service plus membership service as provided in sections 86.200 to 86.366;

(8) “DROP”, the deferred retirement option plan provided for in section 86.251;

(9) “Earnable compensation”, the annual salary which a member would earn during one year on the basis of the member’s rank or position as specified in the applicable salary matrix in section 84.160, RSMo, plus additional compensation for academic work as provided in subsection 8 of section 84.160, RSMo, plus shift differential as provided in subdivision (4) of subsection 9 of section 84.160, RSMo. Such amount shall include the member’s deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member’s additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a “noneligible participant” is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

(10) “Internal Revenue Code”, the federal Internal Revenue Code of 1986, as amended;

(11) “Mandatory contributions”, the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

(12) “Medical board”, the board of physicians provided for in section 86.237;

(13) “Member”, a member of the retirement system as defined by sections 86.200 to 86.366;

(14) “Members’ interest”, interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

(15) “Membership service”, service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case “membership service” means service as a policeman rendered since last becoming a member prior to entering such armed service;

(16) “Plan year” or “limitation year”, the twelve consecutive-month period beginning each October first and ending each September thirtieth;

(17) “Policeman” or “police officer”, any member of the police force of such cities who holds a rank in such police force for which the annual salary is listed in section 84.160, RSMo;

(18) “Prior service”, all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

(19) **“Reserve officer”, any member of the police reserve force of such cities, armed or unarmed, who works less than full time without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;**

(20) **“Retirement allowance”, annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;**

[(20)] (21) **“Retirement system”, the police retirement system of the cities as defined in sections 86.200 to 86.366;**

[(21)] (22) **“Surviving spouse”, the surviving spouse of a member who was the member’s spouse at the time of the member’s death.**

86.207. 1. All persons who become policemen and all policemen who enter or reenter the service of the city after the first day of October, 1957, become members as a condition of their employment and shall receive no pensions or retirement allowance from any other pension or retirement system supported wholly or in part by the city or the state of Missouri, nor shall they be required to make contributions under any other pension or retirement system of the city or the state of Missouri, anything to the contrary notwithstanding.

2. If any member ceases to be in service for more than one year unless the member has attained the age of fifty-five or has twenty years or more of creditable service, or if the member withdraws the member’s accumulated contributions or if the member receives benefits under the retirement system or dies, the member thereupon ceases to be a member; except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman. A member who has terminated employment as a police officer, has actually retired and is receiving retirement benefits under the system shall be considered a retired member.

**3. A reserve officer shall not be considered a member of the system for the purpose of determining creditable service, nor shall any contributions be due. A reserve officer shall not be entitled to any benefits from the system other than those awarded when the reserve officer originally retired under section 86.250, nor shall service as a reserve officer prohibit distribution of those benefits.**

99.865. 1. Each year the governing body of the municipality, or its designee, shall prepare a report concerning the status of each redevelopment plan and redevelopment project, and shall submit a copy of such report to the director of the department of economic development. The report shall include the following:

- (1) The amount and source of revenue in the special allocation fund;
- (2) The amount and purpose of expenditures from the special allocation fund;
- (3) The amount of any pledge of revenues, including principal and interest on any outstanding bonded indebtedness;
- (4) The original assessed value of the redevelopment project;
- (5) The assessed valuation added to the redevelopment project;
- (6) Payments made in lieu of taxes received and expended;

(7) The economic activity taxes generated within the redevelopment area in the calendar year prior to the approval of the redevelopment plan, to include a separate entry for the state sales tax revenue base for the redevelopment area or the state income tax withheld by employers on behalf of existing employees in the redevelopment area prior to the redevelopment plan;

(8) The economic activity taxes generated within the redevelopment area after the approval of the redevelopment plan, to include a separate entry for the increase in state sales tax revenues for the redevelopment area or the increase in state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(9) Reports on contracts made incident to the implementation and furtherance of a redevelopment plan or project;

(10) A copy of any redevelopment plan, which shall include the required findings and cost-benefit analysis pursuant to subdivisions (1) to (6) of section 99.810;

(11) The cost of any property acquired, disposed of, rehabilitated, reconstructed, repaired or remodeled;

(12) The number of parcels acquired by or through initiation of eminent domain proceedings; and

(13) Any additional information the municipality deems necessary.

2. Data contained in the report mandated pursuant to the provisions of subsection 1 of this section and any information regarding amounts disbursed to municipalities pursuant to the provisions of section 99.845 shall be deemed a public record, as defined in section 610.010, RSMo. An annual statement showing the payments made in lieu of taxes received and expended in that year, the status of the redevelopment plan and projects therein, amount of outstanding bonded indebtedness and any additional information the municipality deems necessary shall be published in a newspaper of general circulation in the municipality.

3. Five years after the establishment of a redevelopment plan and every five years thereafter the governing body shall hold a public hearing regarding those redevelopment plans and projects created pursuant to sections 99.800 to 99.865. The purpose of the hearing shall be to determine if the redevelopment project is making satisfactory progress under the proposed time schedule contained within the approved plans for completion of such projects. Notice of such public hearing shall be given in a newspaper of general circulation in the area served by the commission once each week for four weeks immediately prior to the hearing.

4. The director of the department of economic development shall submit a report to the **state auditor**, **the** speaker of the house of representatives and the president pro tem of the senate no later than February first of each year. The report shall contain a summary of all information received by the director pursuant to this section.

5. For the purpose of coordinating all tax increment financing projects using new state revenues, the director of the department of economic development may promulgate rules and regulations to ensure compliance with this section. Such rules and regulations may include methods for enumerating all of the municipalities which have established commissions pursuant to section 99.820. No rule or portion of a rule promulgated under the authority of sections 99.800 to 99.865 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with

the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. The department of economic development shall provide information and technical assistance, as requested by any municipality, on the requirements of sections 99.800 to 99.865. Such information and technical assistance shall be provided in the form of a manual, written in an easy-to-follow manner, and through consultations with departmental staff.

**7. Any municipality which fails to comply with the reporting requirements provided in this section shall be prohibited from implementing any new tax increment finance project for a period of no less than five years from such municipality's failure to comply.**

**8. Based upon the information provided in the reports required under the provisions of this section, the state auditor shall make available for public inspection on the auditor's web site, a searchable electronic database of such municipal tax increment finance reports. All information contained within such database shall be maintained for a period of no less than ten years from initial posting.**

105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) "Governing body", the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) "Political subdivision", any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

**8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275, RSMo. Any transportation development district that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine not to exceed fifty dollars per day.”; and**

Further amend said Substitute, Section 217.460, Page 39, Line 11, by inserting immediately after all of said section and line the following:

**“227.409. The portion of interstate highway I-64/US 40 from the McClausland/Skinker interchange east to the I-64/I-55 interchange shall be designated the “Jack Buck Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway designation, with the cost to be paid for by private donation.**

238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

(1) “Board”, the board of directors of a district;

(2) “Commission”, the Missouri highways and transportation commission;

(3) “District”, a transportation development district organized under sections 238.200 to 238.275;

(4) “Local transportation authority”, a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;

(5) **“Owner”, the individual or individuals or entity or entities who own a fee interest in real property that is located within the district or their legally authorized representative or representatives; in the case of real property owned by individuals or entities as joint tenants, tenants in common, tenants by the entirety, or tenants in partnership, such joint tenants, tenants in common, tenants by the entirety, or tenants in partnership shall be considered one owner collectively for purposes of any vote cast or petition executed;**

(6) “Project” includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.

2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.200 to 238.275, the following terms shall have the meanings given:

(1) “Approval of the required majority” or “direct voter approval”, a simple majority;

(2) “Qualified electors”, “qualified voters” or “voters”:

(a) Within a proposed or established district, [except for a district proposed under subsection 1 of section 238.207,] any persons residing therein who have registered to vote pursuant to chapter 115, RSMo; or

(b) [Within a district proposed or established under subsection 1 of section 238.207 which has no persons residing therein who have registered to vote pursuant to chapter 115, RSMo] **If no persons registered to vote under chapter 115, RSMo, reside within the proposed or established district, the**



owners of record of all real property located in the **proposed or established** district, who shall receive one vote per acre **owned, prorated to the nearest one-tenth of an acre** [, provided that if a registered voter subsequent to the creation of the district becomes a resident within the district and obtains ownership of property within the district, such registered voter must elect whether to vote as an owner of real property or as a registered voter, which election once made cannot thereafter be changed]; **or**

**(c) Within a district proposed or established under subsection 6 of section 238.207, any persons residing therein who have registered to vote under chapter 115, RSMo, and the owners of record of all real property located in the proposed or established district, who shall each receive one vote; provided that any registered voter who also owns property in the proposed or established district must elect at each election whether to vote as an owner or a registered voter and may not receive more than one vote;**

(3) “Registered voters”, persons qualified and registered to vote pursuant to chapter 115, RSMo.

238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The estimated project costs and the anticipated revenues to be collected from the project;

(6) The name of the proposed district;

(7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; [and]

(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable; **and**

**(12) Details of the budgeted expenditures, including estimated expenditures for real physical improvements, estimated land acquisition expenses, estimated expenses for professional services.**

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district; or, if not less than fifty registered voters from each of two or more counties sign a petition calling for the joint establishment of a district for the purpose of developing a project that lies in whole or in part within those same counties, the petition may be filed in the circuit court of any of those counties in which not less than fifty registered voters have signed the petition.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty registered voters in each of two or more counties, it shall set forth the name, voting residence, and county of residence of each

individual petitioner;

(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

**6. Notwithstanding other provisions of this section to the contrary, in any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants, the owners of record of a majority by acreage of the real property, except public streets, located within the proposed district may file a petition in the circuit court of that county requesting the creation of a district. The petition shall set forth:**

**(1) For each owner of record of real property located within the proposed district, the name, address, and acreage of real property owned within the proposed district;**

**(2) The total acreage of real property located within the proposed district;**

**(3) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;**

**(4) A specific description of the proposed district boundaries including a map illustrating such boundaries;**

**(5) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;**

**(6) The estimated project costs and the anticipated revenues to be collected from the project;**

**(7) The name of the proposed district;**

**(8) The number of members of the board of directors of the proposed district;**

**(9) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;**

**(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.280, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and**

**(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.**

238.208. 1. The owners of property adjacent to a transportation district formed under the Missouri transportation development district act may petition the court by unanimous petition to add their property to the district. If the property owners within the transportation development district unanimously approve of the addition of property, the adjacent properties in the petition shall be added to the district. [Any property added under this section shall be subject to all projects, taxes, and special assessments in effect as of the date of the court order adding the property to the district. The owners of the added property shall be allowed to vote at the next election scheduled for the district to fill vacancies on the board and on any other question submitted to them by the board under this chapter. The owners of property added under this section shall have one vote per acre in the same manner as provided in subdivision (2) of subsection 2 of section 238.220.]

**2. (1) As an alternative to the method described in subsection 1 of this section, at any time during the existence of a district, the board of directors of such district may pass a resolution to add property to the district's boundaries; provided that:**

**(a) A verified petition signed by all of the qualified voters within the area proposed to be added to the district requesting the additional property be added to the boundaries of the district is filed with the board of directors. The petition shall include a notice that the signatures of the owners may not be withdrawn later than seven days after the petition is filed with the district; and**

**(b) The board of directors of the district holds a public hearing concerning the matter not less than fourteen and not more than sixty days after the verified petition is received and gives notice of the public hearing by publication in a newspaper of general circulation within the district once a week for two consecutive weeks prior to the week of the public hearing and registered or certified United States mail with a return receipt attached to all of the qualified voters within the area proposed to be added to the district not less than fifteen days prior to the public hearing. The published and mailed notices shall include the following:**

**a. The date, time, and place of the public hearing;**

**b. A statement that a petition to amend the boundaries of the district has been filed with the board of directors of the district;**

**c. A specific description of the property to be added to the district's boundaries and a map illustrating the proposed boundaries;**

**d. A statement that a copy of the petition is available for review at the principal office of the district during regular business hours; and**

**e. A statement that all interested persons shall be given an opportunity to be heard at the public hearing and may submit written objections to the proposed amendment to the district's boundaries which shall be fairly and duly considered by the board of directors;**

**(c) The board of directors of the district finds that:**

**a. The amended district boundaries meet the requirements of subsection 3 of section 238.207;**

**b. Any funding mechanism currently in effect within the district shall extend to the additional property;**

**c. The district shall not be an undue burden on any owner of property within the district; and**

**d. The amendment to the district's boundaries is not unjust or unreasonable; and**

**(d) No written objection to the proposed amendment to the district's boundaries signed by at least ten percent of the qualified voters of the district is filed with the board of directors of the district within seven days after the close of the public hearing.**

**(2) If a written objection to the proposed amendment to the district's boundaries signed by at least ten percent of the qualified voters of the district is filed with the board of directors of the district within seven days after the close of the public hearing, the board of directors shall submit the question whether to amend the district's boundaries to the qualified voters within the proposed limits of the district. If the question is approved by the majority of qualified voters within the proposed limits of the district, the board of directors shall extend the district's boundaries by resolution.**

**(3) Any resolution passed by the board of directors of a district under this subsection shall include a specific description of the district's new boundary and the funding mechanisms currently in effect within the district.**

**(4) Upon passage of a resolution under this subsection, the district shall file a certified copy of the resolution and the verified petition with the circuit court of the county in which the petition creating the district was filed and request that the court enter its judgment that the district's boundaries be amended. The court shall hear the case without a jury. If the resolution is not defective, the proposed amendment to the district's boundary is not illegal, unconstitutional, unjust, or unreasonable and the district is not an undue burden on any owner of property within the district, the court shall enter its judgment to that effect.**

**(5) The district shall also cause a certified copy of the resolution to be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission.**

**3. Any property added to a district under subsection 1 or 2 of this section shall be subject to all funding mechanisms, projects, and obligations of the district as of the date of the court order adding the property to the district. The owners of the added property shall have the same rights as any existing property owner within the district.**

**4. The owners of all of the property located in a transportation development district formed under this chapter may, by unanimous petition filed with the board of directors of the district, remove any property**

from the district, so long as such removal will not materially affect any obligations of the district.

238.210. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve a copy of the petition on the respondents who shall have thirty days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. If any respondent files its answer opposing the creation of the district, it shall recite legal reasons why the petition is defective, why the proposed district is illegal or unconstitutional, or why the proposed method for funding the district is illegal or unconstitutional. The respondent shall ask the court for a declaratory judgment respecting these issues. The answer of each respondent shall be served on each petitioner and every other respondent named in the petition. Any resident, taxpayer, any other entity, or any local transportation authority within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a declaratory judgment respecting these same issues within thirty days after the date notice is last published by the circuit clerk.

2. The court shall hear the case without a jury. If the court shall thereafter determine the petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue burden on any owner of property within the district or is unjust and unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to make the certifications requested in the pleadings. If the court determines that any proposed funding method is illegal or unconstitutional, it shall enter its judgment striking that funding method in whole or part. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect. If the petition was filed by registered voters or by a governing body, the court shall then certify the questions regarding district creation, project development, and proposed funding for voter approval. If the petition was filed by a governing body, or by no less than fifty registered voters of two or more counties, pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207**, the court shall then certify the single question regarding district creation, project development, and proposed funding for voter approval. If the petition was filed by the owners of record of all of the real property located within the proposed district, the court shall declare the district organized and certify the funding methods stated in the petition for qualified voter approval; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230. In either case, if no objections to the petition are timely filed, the court may make such certifications based upon the pleadings before it without any hearing.

3. Any party having filed an answer or petition may appeal the circuit court's order or declaratory judgment in the same manner provided for other appeals. The circuit court shall have continuing jurisdiction to enter such orders as are required for the administration of the district after its formation.

238.212. 1. If the petition was filed by registered voters, [or] by a governing body **or pursuant to subsection 6 of section 238.207**, the circuit clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

NOTICE OF PETITION TO SUBMIT TO A  
POPULAR VOTE THE CREATION AND  
FUNDING OF A TRANSPORTATION

## DEVELOPMENT DISTRICT

Notice is hereby given to all persons residing or owning property in (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that upon voter approval, a transportation development district by the name of “..... Transportation Development District” be formed for the purpose of developing the following transportation project: (here summarize the proposed transportation project or projects). The petition also requests voter approval of the following method(s) of funding the district, which (may) (shall not) increase the total taxes imposed within the proposed district: (describe the proposed funding methods). A copy of this petition is on file and available at the office of the clerk of the circuit court of ..... County, located at ....., Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the transportation development district and requesting a declaratory judgment, as required by law, no later than the ..... day of ....., 20.. . You may show cause, if any there be, why such petition is defective or proposed transportation development district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be submitted for voter approval at a general, primary or special election as directed by this court. .... Clerk of the Circuit Court of ..... County

2. The circuit court may also order a public hearing on the question of the creation and funding of the proposed district, if it deems such appropriate, under such terms and conditions as it deems appropriate. If a public hearing is ordered, notice of the time, date and place of the hearing shall also be given in the notice specified in subsection 1 of this section.

238.215. 1. If the circuit court certifies the petition for voter approval, it shall call an election pursuant to section 238.216.

2. At such election for voter approval of the qualified voters, the questions shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a transportation development district, to be known as the “..... Transportation Development District” for the purpose of developing the following transportation project: (here summarize the proposed project or projects and require each voter to approve or disapprove of each project) and have the power to fund the proposed project upon separate voter approval by any or all of the following methods: (here specifically describe the proposed funding methods and require each voter to approve or disapprove of each proposed funding method)?

3. (1) If the petition was filed pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207** and the district desires to impose a sales tax as the only proposed funding mechanism, at such election for voter approval of the qualified voters, the question shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a transportation development district, to be known as the “..... Transportation Development District” for the purpose of developing the following transportation project: (here summarize the proposed project or projects) and be authorized to impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of funding the transportation project or projects?

(2) If the petition was filed pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207** and the district desires to impose a funding mechanism other than a sales tax, at such election for voter approval of the qualified voters, the question shall be submitted in substantially the form set forth in subsection 2 of this section and the proposed funding mechanism shall require separate voter approval at a subsequent election.

4. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission. If the results show that a majority of the votes cast by the qualified voters were in favor of organizing the transportation development district, the circuit court having jurisdiction of the matter shall declare the district organized and certify the funding methods approved by the qualified voters. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the organization of the district, the circuit court shall declare that the question has failed to pass, and the same question shall not be again submitted for voter approval for two years.

5. Notwithstanding the foregoing, if the election was held pursuant to subsection 3 of this section, the results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies. If the results show that a majority of the votes cast by the qualified voters were in favor of the proposition, the circuit court having jurisdiction of the matter shall declare the district organized and the funding methods approved by the qualified voters to be in effect. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the proposition, the circuit court shall declare that the question has failed to pass. A new petition shall be filed pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207, as applicable**, prior to the question being again submitted for voter approval.

238.216. 1. Except as otherwise provided in section 238.220 with respect to the election of directors, in order to call any election required or allowed under sections 238.200 to 238.275, the circuit court shall:

(1) Order the county clerk to cause the questions to appear on the ballot on the next regularly scheduled general, primary or special election day, which date shall be the same in each county or portion of a county included within and voting upon the proposed district;

(2) If the election is to be a mail-in election, specify a date on which ballots for the election shall be mailed, which date shall be a Tuesday, and shall be not earlier than the eighth Tuesday from the issuance of the order, and shall not be on the same day as an election conducted under the provisions of chapter 115, RSMo; or

(3) If all the owners of property in the district joined in the petition for formation of the district, such owners may cast their ballot by unanimous verified petition approving any measure submitted to them as voters pursuant to this chapter. Each owner shall receive one vote per acre owned, **prorated to the nearest one-tenth of an acre.** [Fractional votes shall be allowed.] The verified petition shall be filed with the circuit court clerk. The filing of a unanimous petition shall constitute an election under sections 238.200 to 238.275 and the results of said election shall be entered pursuant to subsection 6 of this section.

2. Application for a ballot shall be conducted as follows:

(1) Only qualified voters shall be entitled to apply for a ballot;



(2) Such persons shall apply with the clerk of the circuit court in which the petition was filed;

(3) Each person applying shall provide:

(a) Such person's name, address, mailing address, and phone number;

(b) An authorized signature; and

(c) Evidence that such person is entitled to vote. Such evidence shall be:

a. For resident individuals, proof of registration from the election authority;

b. For owners of real property, a tax receipt or deed or other document which evidences ownership, and identifies the real property by location;

(4) No person shall apply later than the fourth Tuesday before the date for mailing ballots specified in the circuit court's order.

3. If the election is to be a mail-in election, the circuit court shall mail a ballot to each qualified voter who applied for a ballot pursuant to subsection 2 of this section along with a return addressed envelope directed to the circuit court clerk's office with a sworn affidavit on the reverse side of such envelope for the voter's signature. Such affidavit shall be in the following form:

I hereby declare under penalties of perjury that I am qualified to vote, or to affix my authorized signature in the name of an entity which is entitled to vote, in this election.

Subscribed and sworn to before me this ..... day of....., 20.....

Authorized Signature ..... .

..... Printed Name of Voter

Signature of notary or other officer authorized to administer oaths.

.....

Mailing Address of Voter

(if different)

4. Except as otherwise provided in subsection 2 of section 238.220, with respect to the election of directors, each qualified voter shall have one vote, unless the qualified voters are property owners under subdivision (2) of subsection 2 of section 238.202, in which case they shall receive one vote per acre, **prorated to the nearest one-tenth of an acre**. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an [appropriate] **applicable** mechanism for [the determination of the entity's vote] **action for such voter**. If a voter has no such mechanism, then its vote shall be cast [as determined by a majority of the persons who run the day-to-day affairs of the voter] **by agreement of such individuals or entities as would be required under applicable law to convey by deed the entire parcel of property owned**. Each voted ballot shall be signed with the authorized signature.

5. Mail-in voted ballots shall be returned to the circuit court clerk's office by mail or hand delivery no later than 5:00 p.m. on the sixth Tuesday after the date for mailing the ballots as set forth in the circuit court's order. The circuit court's clerk shall transmit all voted ballots to a team of judges of not less than four, with an equal number from each of the two major political parties. The judges shall be selected by the

circuit court from lists compiled by the election authority. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the circuit court. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115, RSMo.

6. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission.

238.220. 1. Notwithstanding anything to the contrary contained in section 238.216, if any persons eligible to be registered voters reside within the district the following procedures shall be followed:

(1) After the district has been declared organized, the court shall upon petition of any interested person order the county clerk to cause an election to be held in all areas of the district within one hundred twenty days after the order establishing the district, to elect the district board of directors which shall be not less than five nor more than fifteen;

(2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and shall file with the election authority of such county a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(3) The director or directors to be elected shall be elected at large. The candidate receiving the most votes from qualified voters shall be elected to the position having the longest term, the second highest total votes elected to the position having the next longest term, and so forth. Each initial director shall serve the one-, two- or three-year term to which he or she was elected, and until a successor is duly elected and qualified. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification; and

(4) [Each director shall be a resident of the district.] Directors shall be registered voters at least twenty-one years of age.

2. Notwithstanding anything to the contrary contained in section 238.216, if no persons eligible to be registered voters reside within the district, the following procedures shall apply:

(1) Within thirty days after the district has been declared organized, the circuit clerk of the county in which the petition was filed shall, upon giving notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, call a meeting of the owners of real property within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of not less than five and not more than fifteen directors, to be composed of owners or representatives of owners of real property in the district; provided that, if all the owners of property in the district joined in the petition for formation of the district, such meeting may be called by order of the court without further publication[. For the purposes of determining board membership, the owner or owners of real property within the district and their legally authorized representative or representatives shall be deemed to be residents of the district; for business organizations and other entities owning real property within the district, the individual or individuals legally authorized to represent the business organizations or entities in regard to the district shall be deemed to be a resident

of the district];

(2) The property owners, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election. At the election, each acre of real property within the district shall represent one share, and each owner may have one vote in person or by proxy for every acre of real property owned [by such person within the district], **prorated to the nearest one-tenth of an acre;**

(3) The one-third of the initial board members receiving the most votes shall be elected to positions having a term of three years. The one-third of initial board members receiving the next highest number of votes shall be elected to positions having a term of two years. The lowest one-third of initial board members receiving sufficient votes shall be elected to positions having a term of one year. Each initial director shall serve the term to which he or she was elected, and until a successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the real property owners called by the board. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification;

(4) Directors shall be at least twenty-one years of age.

3. Notwithstanding any provision of section 238.216 and this section to the contrary, if the petition for formation of the district was filed pursuant to subsection 5 of section 238.207, the following procedures shall be followed:

(1) If the district is comprised of four or more local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district. If the district is comprised of two or three local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district and one person designated by the governing body of each local transportation authority within the district;

(2) Each director shall be at least twenty-one years of age [and a resident or property owner of the local transportation authority the director represents]. A director designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause; and

(3) Upon the assumption of office of a new presiding officer of a local transportation authority, such individual shall automatically succeed his predecessor as a member of the board of directors. Upon the removal, resignation or disqualification of a director designated by the governing body of a local transportation authority, such governing body shall designate a successor director.

4. Notwithstanding any provision of section 238.216 and this section to the contrary, if the petition for formation of the district was filed pursuant to subsection 6 of section 238.207, the following procedures shall be followed:

(1) **If the district is comprised of one affected local transportation authority, the board of directors shall consist of three directors designated by the governing body of the affected local transportation authority within the district. If the district is comprised of two affected local transportation authorities, the board of directors shall consist of four directors, two directors designated by the governing body of each affected local transportation authority within the district. If the district is comprised of three or more affected local transportation authorities, the board of directors shall consist of one person designated by the governing body of each affected local transportation authority within the district. Each director shall serve a three-year term. Successor directors shall be designated**

**in the same manner as the initial directors and shall serve three-year terms.**

**(2) Each director shall be at least twenty-one years of age. A director designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause; and**

**(3) Upon the removal, resignation or disqualification of a director designated by the governing body of a local transportation authority, such governing body shall designate a successor director.**

**5.** The commission shall appoint one or more advisors to the board, who shall have no vote but shall have the authority to participate in all board meetings and discussions, whether open or closed, and shall have access to all records of the district and its board of directors.

[5.] **6.** If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the local transportation authority that will assume maintenance of the project shall appoint one or more advisors to the board of directors who shall have the same rights as advisors appointed by the commission.

[6.] **7.** Any county or counties located wholly or partially within the district which is not a local transportation authority pursuant to subdivision (4) of subsection 1 of section 238.202 may appoint one or more advisors to the board who shall have the same rights as advisors appointed by the commission.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207 **or subsection 6 of section 238.207.**

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of ..... (transportation development district's name) impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the month **designated by the board of directors of the transportation development district** following adoption of the tax by the qualified voters.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate

imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the [transportation development district] **department of revenue**.

3. On and after the effective date of any tax imposed pursuant to this section, the [transportation development district] **director of revenue** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, **and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section.** The tax imposed pursuant to this section **and the sales taxes imposed pursuant to all other laws of the state of Missouri** shall be collected **together** and reported upon such forms and [under] **pursuant to** such administrative rules and regulations as may be prescribed by the [transportation development district] **director of revenue**.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. [All sales taxes collected by the transportation development district shall be deposited by the transportation development district in a special fund to be expended for the purposes authorized in this section. The transportation development district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.] **All sales taxes collected by the director of**

revenue pursuant to this section on behalf of any transportation development district, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the state treasury to the credit of the "Transportation Development District Sales Tax Fund". Moneys in the transportation development district sales tax fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. All interest earned upon the balance in the transportation development district sales tax fund shall be deposited to the credit of the same fund. Any balance in the fund at the end of an appropriation period shall not be transferred to the general revenue fund and the provisions of section 33.080, RSMo, shall not apply to the fund. The director of revenue shall keep accurate records of the amount of money which was collected in each transportation development district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in such fund during the preceding month to the proper transportation development district.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts credited to any transportation development district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any transportation development district repeals the tax authorized by this section, the transportation development district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by this section in such transportation development district, the director of revenue shall remit the balance in the account to the transportation development district and close the account of that transportation development district. The director of revenue shall notify each transportation development district of each instance of any amount refunded or any check redeemed from receipts due the transportation development district.

[6.] 7. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation

development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

238.257. 1. At any time during the existence of a district, the board may submit to the voters of the district a proposition to increase [or decrease] the number of projects which it is authorized to complete.

2. If the board proposes to add one or more additional projects, the question shall be submitted in substantially the following form:

Shall the ..... Transportation Development District fund or develop the following additional transportation project (or projects): (summarize the proposed project or projects), and have the power to fund the proposed project upon separate voter approval by any or all of the following methods: (here specifically describe the proposed funding methods and require each voter to approve or disapprove of each proposed funding method)?

3. If the board proposes to **decrease the number of projects or** discontinue a project, **it may do so by majority vote of the board provided that** it shall first obtain approval from the commission if the proposed project is intended to be merged into the state highways and transportation system under the commission's jurisdiction or approval from the local transportation authority if the proposed project is intended to be merged into a local transportation system under the local authority's jurisdiction. [If such approval is obtained, then the question shall be submitted to the district's voters in substantially the following form:

Shall the ..... Transportation Development District discontinue development of the following transportation project: (summarize the transportation project), for the reason that (describe the reason why the transportation project cannot be completed as approved)?]

4. The board may modify the project previously approved by the district voters, if the modification is approved by the commission and, where appropriate, a local transportation authority.

238.275. 1. Within six months after development and initial maintenance costs of its completed project have been paid, the district shall pursuant to contract transfer ownership and control of the project to the commission or a local transportation authority which shall be responsible for all future maintenance costs pursuant to contract. Such transfer may be made sooner with the consent of the recipient.

2. At such time as a district has completed its project and has transferred ownership of the project to the commission or other local transportation authority for maintenance, **or the district has provided for the completion and funding of its project and has transferred ownership and control of the project to the commission or a local transportation authority under subsection 1 of this section**, or at such time as the board determines that it is unable to complete its project due to lack of funding or for any other reason, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the ..... Transportation Development District be abolished?

3. The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting



the question to abolish the district to a vote, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law.

**4. As an alternative to the method described in subsections 2 and 3 of this section, if at such time as a district has completed its project and has transferred ownership of the project to the commission or other local transportation authority for maintenance, or the district has provided for the completion and funding of its project and has transferred ownership and control of the project to the commission or a local transportation authority under subsection 1 of this section, or at such time as the board determines that it is unable to complete its project due to lack of funding or for any other reason, the board may petition the circuit court to dissolve the district.**

**5. The district board may not petition the circuit court for dissolution while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, or while the district is insolvent, in receivership, or under the jurisdiction of the bankruptcy court. Prior to petitioning the circuit court to abolish the district, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished under law.**

6. While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

[5.] 7. Upon receipt of certification by the appropriate election authorities that the majority of those voting within the district have voted to abolish the district **or upon receipt of an order of the circuit court that the district may be abolished**, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board shall:

(1) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district, including revenues due and owing the district, to the commission or any appropriate local transportation authority assuming maintenance and control of the project, for its further use and disposition;

(2) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(3) At a public meeting of the district, declare by a majority vote that the district has been abolished effective that date; and

(4) Cause copies of that resolution under seal to be filed with the secretary of state, the director of revenue, the commission, and with each local transportation authority affected by the district. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 262, Page 174, Section 5, Line 8, by inserting immediately after said line the following:

**“Section 6. No political subdivision of the state nor any local government, city or county, or any agency, authority, board, commission, department or officer thereof, shall enact any ordinance or promulgate or issue any regulation, rule, policy, guideline or proclamation describing the relationship between persons and domestic animals as other than persons may or can own domestic animals.”**

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 262, Section 5, Page 174, Line 8, by inserting

immediately after all of said section and line the following:

**“Section 6. No member of the house of representatives or member of the senate shall be appointed or hired to serve in any paid position in state government or any state agency by any governor such representative or senator served with for any portion of any general assembly.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO.1 TO  
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Bill No. 262, Page 1, Section 566.226, Line 1, by inserting before said line the following:

Amend House Committee Substitute for Senate Bill No. 262, Page 155, Section 517.041, by deleting Lines 8-9; and

Further

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 262, Section 566.226, Page 166, Lines 1-17 by deleting all of said lines and inserting in lieu thereof the following:

**“566.226. 1. After August 28, 2007, any information contained in any court record, whether written or [published on the Internet,] in electronic format, that could be used to identify or locate any victim of the following crimes: sexual assault, domestic assault, stalking, or [forcible rape] any other violation of this chapter or chapter 568, RSMo shall be [closed and] redacted from such record prior to disclosure to the public if filed prior to January 1, 2010. Beginning January 1, 2010, the identifying information as defined in this section shall be retained on a confidential case filing sheet.**

**2. Identifying information shall include the name, home or temporary address, telephone number, or Social Security number [or physical characteristics.] of any victim of the following crimes: sexual assault, domestic assault, stalking, or any other violation of this chapter or chapter 568, RSMo but not the named party in civil litigation.**

**[2.] 3. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.**

**4. Nothing in this section shall be construed to permit or be the basis of permitting the identifying information of a perpetrator of a sexual assault, domestic assault, stalking, or forcible rape to be redacted from an otherwise public record.**

**5. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a sexual assault, domestic assault, stalking, or forcible rape case shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 262, Section 630.407, Page 171, Line 24, by inserting after all of said section the following:

“650.050. 1. The Missouri department of public safety shall develop and establish a “DNA Profiling System”, referred to in sections 650.050 to 650.100 as the system to assist federal, state, and local criminal justice and law enforcement agencies in the identification, investigation, and prosecution of individuals as well as the identification of missing or unidentified persons.

2. This DNA profiling system shall consist of qualified Missouri forensic laboratories approved by the Federal Bureau of Investigation.

3. The Missouri state highway patrol crime laboratory shall be the administrator of the state’s DNA index system.

4. The DNA profiling system as established in this section shall be compatible with that used by the Federal Bureau of Investigation to ensure that DNA records are fully exchangeable between DNA laboratories and that quality assurance standards issued by the director of the Federal Bureau of Investigation are applied and performed.

**5. DNA samples obtained under sections 650.050 to 650.100 shall only be analyzed consistent with sections 650.050 to 650.100 and applicable federal laws and regulations.**

650.052. 1. The state’s DNA profiling system shall:

(1) Assist federal, state and local criminal justice and law enforcement agencies in the identification, detection or exclusion of individuals who are subjects of the investigation or prosecution of criminal offenses in which biological evidence is recovered or obtained; and

(2) If personally identifiable information is removed, support development of forensic validation studies, forensic protocols, and the establishment and maintenance of a population statistics database for federal, state, or local crime laboratories of law enforcement agencies; and

(3) Assist in the recovery or identification of human remains from mass disasters, or for other humanitarian purposes, including identification of missing persons.

2. The Missouri state highway patrol shall act as the central repository for the DNA profiling system and shall collaborate with the Federal Bureau of Investigation and other criminal justice agencies relating to the state’s participation in CODIS and the National DNA Index System or in any DNA database.

3. The Missouri state highway patrol may promulgate rules and regulations to implement the provisions of sections 650.050 to 650.100 in accordance with Federal Bureau of Investigation recommendations for the form and manner of collection of blood or other scientifically accepted biological samples and other procedures for the operation of sections 650.050 to 650.100. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

4. The Missouri state highway patrol shall provide the necessary components for collection of the [convicted] offender’s biological samples. For qualified offenders as defined by section 650.055 who are under custody and control of the department of corrections, the DNA sample collection shall be performed by the department of corrections and the division of probation and parole, or their authorized designee or

contracted third party. For qualified offenders as defined by section 650.055 who are under custody and control of a county jail, the DNA sample collections shall be performed by the county jail or its authorized designee or contracted third party. For qualified offenders as defined by section 650.055 who are under the custody and control of companies contracted by the county or court to perform supervision and/or treatment of the offender, the sheriff's department of the county assigned to the offender shall perform the DNA sample collection. The specimens shall thereafter be forwarded to the Missouri state highway patrol crime laboratory. Any DNA profiling analysis or collection of DNA samples by the state or any county performed pursuant to sections 650.050 to 650.100 shall be subject to appropriations.

5. The state's participating forensic DNA laboratories shall meet quality assurance standards specified by the Missouri state highway patrol crime laboratory and the Federal Bureau of Investigation to ensure quality DNA identification records submitted to the central repository.

6. The state's participating forensic DNA laboratories may provide the system for identification purposes to criminal justice, law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court and provide expert testimony in court on DNA evidentiary issues.

7. The department of public safety shall have the authority to promulgate rules and regulations to carry out the provisions of sections 650.050 to 650.100. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend said bill, Section 650.055, Page 171, Line 2, by inserting after the word, “RSMo,” the following words, **“or who is seventeen years of age or older and who is arrested for burglary in the first degree under section 569.160, RSMo, or burglary in the second degree under section 569.170, RSMo, or a felony offense under chapters 565, 566, 567, 568, or 573, RSMo,”**; and

Further amend said bill, said section, Pages 171 to 172, Lines 6 to 22, by deleting all of said lines and inserting in lieu thereof the following:

**“(1) Upon booking at a county jail or detention facility; or**

**(2) Upon entering or before release from the department of corrections reception and diagnostic centers;**  
or

**[(2)] (3) Upon entering or before release from a county jail or detention facility, state correctional facility, or any other detention facility or institution, whether operated by private, local, or state agency, or any mental health facility if committed as a sexually violent predator pursuant to sections 632.480 to 632.513, RSMo; or**

**[(3)] (4) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was convicted of, pleaded guilty to, or pleaded nolo contendere to an offense in any other jurisdiction which would be considered a qualifying offense as defined in this section if committed in this state, or if the person was convicted of, pleaded guilty to, or pleaded nolo contendere to any**

equivalent offense in any other jurisdiction; or

[(4)] **(5)** If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo.”; and

Further amendment said bill, section, Page 172, Line 31, by inserting after the words, “who have been” the words, “**arrested for,**”; and

Further amend said bill, section, Page 173, Lines 56 to 58, by deleting all of said lines and inserting in lieu thereof the following:

“ employees who need to obtain such records to perform their public duties; [or]

**(4) The individual whose DNA sample has been collected, or his or her attorney; or**

**(5)** Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court judges, and their employees who need to obtain such records to perform their public duties.”; and

Further amend said bill, section, page, Line 64 by inserting after the number, “8.” the following:

**“Within ninety days of warrant refusal, the arresting agency shall notify the Missouri state highway patrol crime laboratory which shall expunge all DNA records taken at the arrest for which the warrant was refused in the database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person is otherwise obligated to submit a DNA sample.”; and**

Further amend said bill, section, Page 174, Line 90, by inserting after all of said line the following:

**“9. When a DNA sample is taken of an arrestee for any offense listed under subsection 1 of this section and charges are filed:**

**(1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol crime laboratory that such charges have been withdrawn;**

**(2) If the case is dismissed, the court shall notify the state highway patrol crime laboratory of such dismissal;**

**(3) If the court finds at the preliminary hearing that there is no probable cause that the defendant committed the offense, the court shall notify the state highway patrol crime laboratory of such finding;**

**(4) If the defendant is found not guilty, the court shall notify the state highway patrol crime laboratory of such verdict.**

**If the state highway patrol crime laboratory receives notice under this subsection that the charges have been withdrawn, the case has been dismissed, there is a finding that the necessary probable cause does not exist, or the defendant is found not guilty, such crime laboratory shall expunge the DNA sample and DNA profile of the arrestee within thirty days. Prior to such expungement, the state highway patrol crime laboratory shall determine whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken and retained prior to expungement under this subsection.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 262, Section 5, Page 174, Line 8, by inserting after all of said line the following:

**“Section 6. All requests for records filed or recorded by recorders of deeds pursuant to sections 59.005 to 59.800 RSMo dated after December 31, 1969, shall be made to the office in which the record was originally filed.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 262, Section 82.300, Page 11, Line 30, by inserting after all of said line the following:

**“82.1026. The governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may enact ordinances to provide for the building official of the city or an authorized representative of the building official to petition the circuit court in the county in which a vacant nuisance building or structure is located for the appointment of a receiver to rehabilitate the building or structure, to demolish it, or to sell it to a qualified buyer.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 262, Section 5, Page 174, Line 8 by inserting immediately after all of said section and line the following:

**“Section 6. Nothing in sections 320.350 to 320.374, RSMo, shall be interpreted or applied to permit non-compliance with other applicable statutes and case law.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

## REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 69**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HJR 11**; **HCS** for **HB 795**, with **SCS**; and **HB 30**, with **SCS**, begs leave to report that it has considered the same and recommends that the joint resolution and bills do pass.

President Pro Tem Shields assumed the Chair.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 316**, begs leave

to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Engler, the Senate recessed until 1:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Kinder.

### **PRIVILEGED MOTIONS**

Senator Pearce moved that **SCS** for **SB 44**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 44**, entitled:

#### **HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 44**

An Act to repeal sections 221.111, 221.353, 221.510, 575.210, 575.220, and 575.240, RSMo, and to enact in lieu thereof eight new sections relating to private jails, with penalty provisions.

Was taken up.

Senator Pearce moved that **HCS** for **SCS** for **SB 44** be adopted.

At the request of Senator Pearce, the above motion was withdrawn.

Senator Pearce moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 44** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 306**, entitled:

An Act to repeal sections 143.111, 143.113, 208.152, 208.215, 354.535, 354.536, 374.184, 376.384, 376.397, 376.401, 376.421, 376.424, 376.426, 376.428, 376.450, 376.453, 376.776, 376.960, 376.966, 376.986, 376.987, 376.995, 376.1450, 379.930, 379.940, and 379.952, RSMo, and to enact in lieu thereof seventy-three new sections relating to health care services, with emergency clauses for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7 and 9.

#### **HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 33, Section 208.215, Line 206, by deleting the open and close brackets “[ ]” and the word “**participants**” on said line; and

Further amend said bill, Page 51, Section 376.424, Line 3, by inserting open and close brackets “[ ]” around the word “subject” and inserting immediately before the word “to” the word “**if**”; and

Further amend said bill, page, section, Line 5, by inserting open and close brackets “[ ]” around the

phrase “shall be” and inserting immediately before the word “paid” the word “is”; and

Further amend said bill, Page 103, Section C by deleting all of said section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Section 191.940, Page 4, Line 55, by inserting after all of said line the following:

**“191.945. 1. The department of health and senior services shall, subject to appropriations, develop and disseminate to the public information regarding uterine fibroids, including information on:**

**(1) The incidence and prevalence of uterine fibroids among women;**

**(2) The elevated risk for minority women to develop uterine fibroids; and**

**(3) The availability, as medically appropriate, of a range of treatment options for symptomatic uterine fibroids.**

**The department may disseminate information under this subsection directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, the media, or federal, state, or local agencies.**

**2. The department of health and senior services shall, subject to appropriations, develop and disseminate to health care providers information on uterine fibroids for the purpose of ensuring that health care providers remain informed about current information on uterine fibroids. Such information shall include, but not be limited to, the elevated risk for minority women to develop uterine fibroids and the range of available options for the treatment of symptomatic uterine fibroids.**

**3. As used in this section, “minority women” means women who are members of a racial and ethnic minority group, as defined in 42 U.S.C. Section 300u-6(g).”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Section 208.152, Page 22, Line 107 by deleting the word “her” on said line and inserting in lieu thereof the word “**he**”; and

Further amend said Substitute, Section, Page, and line by inserting immediately after the word “terminate” on said line the words “**for persons enrolled in the waiver**,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 96, Section 3, Line 26 by inserting after said line the following:

**“(18) Routine and medical eyecare services, including but not limited to eye examination, diagnosis and treatment of eye disease, and low vision services;”** and renumbering the remaining subdivisions accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.



## HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Section 205.202, Page 19, Line 65, by inserting after all of said line the following:

**“208.027. 1. The department of social services shall develop a program to screen and test each work-eligible applicant or work-eligible recipient who is otherwise eligible for temporary assistance for needy families benefits under this chapter and who the department has reasonable cause to believe, based on the screening, engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the illegal use of a controlled substance, which was not prescribed for such applicant or recipient by a licensed health care provider, shall, after an administrative hearing conducted by the department under the provisions of chapter 536, RSMo, be declared ineligible for temporary assistance for needy families benefits for a period of one year from the date of the administrative hearing decision. The department shall refer an applicant or recipient who tested positive for the use of a controlled substance under this section to an appropriate substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health. Other members of a household which includes a person who has been declared ineligible for temporary assistance for needy families assistance shall, if otherwise eligible, continue to receive temporary assistance for needy families benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.**

**2. The department of social services shall promulgate rules to develop the screening and testing provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 306, Page 28, Section 208.215, Lines 22-58, by deleting all of said lines.

## HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Section 191.940, Page 3, Line 26 by deleting the words **“one hundred”** and inserting in lieu thereof the word **“fifty”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 9

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, page 6, section 191.1005, line 59-60, by deleting the words **“subdivisions (17) and (18)”** and inserting in lieu thereof the words **“subdivision (17)”**; and

Further amend said bill, page 6, section 191.1005, lines 76-103, by deleting said lines and inserting in

lieu thereof the following:

**(17) All quality measures shall be endorsed by the National Quality Forum (NQF), or its successor organization. Where NQF-endorsed measures do not exist, the next level of measures to be considered, until such measures are endorsed by the National Quality Forum (NQF), or its successor organization, shall be those endorsed by the Ambulatory Care Quality Alliance, the National Committee for Quality Assurance, or the Joint Commission on the Accreditation of Healthcare Organizations, Healthcare Effectiveness and Data Information Set (HEDIS).”; and**

Further amend said bill, pages 12-17, sections 197.550 to 197.586, by deleting said sections and inserting in lieu thereof the following:

**197.550. As used in sections 197.550 to 197.555, the following terms shall mean:**

**(1) “Reportable incident”, an occurrence of a serious reportable event in health care as such event is defined in this section;**

**(2) “Serious reportable event in health care”, an occurrence of one or more of the actions or outcomes included in the list of serious adverse events in health care as initially defined by the National Quality Forum in its March 2002 report and subsequently updated by the National Quality Forum, including all criteria established for identifying such events;**

**(3) “Third-party payor,” a health carrier as defined in section 376.1350, RSMo, an organization entered into a preferred provider agreement, and a third-party administrator for a self-funded health benefit plan.**

**197.553. All hospitals shall establish a policy whereby the patient or the patient’s legally authorized representative is notified of the occurrence of a serious reportable event in health care. Such notification shall be provided not later than one business day after the hospital or its agent becomes aware of the occurrence. The time, date, participants, and content of the notification shall be documented in the patient’s medical record. The provision of notice to a patient under this section shall not, in any action or proceeding, be considered an acknowledgment or admission of liability.**

**197.555. Beginning January 1, 2010, any hospital that reports a reportable incident shall not charge for or bill any entity, including third-party payors and patients, for all services related to the reportable incident. If a third-party payor denies a claim, in whole or in part, because there is no coverage for services that resulted in any of the reportable incidents described in section 197.550, the health care professional or facility that provided such services is prohibited from billing the patient for such services.”; and**

Further amend said bill, pages 19-20, section 208.152, lines 13-18, by deleting the words “; and provided further that the hospital does not have in force as of January 1, 2011, any contracts with health carriers, as defined in section 376.1350, RSMo, that limit the use of medical claims data to payment of claims or otherwise preclude health carriers from responding to the need of consumers for comparative cost, quality, and efficiency information, or other performance information on health care services and health care providers, as defined in section 376.1350, RSMo”; and

Further amend said bill, page 20, section 208.152, lines 25-31, by deleting the words “; and provided further that the hospital does not have in force as of January 1, 2011, any contracts with health carriers, as defined in section 376.1350, RSMo, that limit the use of medical claims data to payment

**of claims or otherwise preclude health carriers from responding to the need of consumers for comparative cost, quality, and efficiency information, or other performance information on health care services and health care providers, as defined in section 376.1350, RSMo”; and**

Further amend said bill, page 21, section 208.152, lines 54-59, by deleting the words “; **and provided further that the physician does not have in force as of January 1, 2011, any contracts with health carriers, as defined in section 376.1350, RSMo, that limit the use of medical claims data to payment of claims or otherwise preclude health carriers from responding to the need of consumers for comparative cost, quality, and efficiency information, or other performance information on health care services and health care providers, as defined in section 376.1350, RSMo**”.

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.  
Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 26**, entitled:

An Act to repeal sections 43.500, 43.503, 43.506, 43.540, 82.300, 191.225, 192.925, 195.202, 210.1012, 217.450, 217.460, 217.665, 217.670, 229.110, 302.311, 302.750, 311.310, 311.325, 311.326, 409.5-508, 409.6-604, 479.260, 488.5025, 544.665, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 559.106, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.093, 566.226, 568.045, 570.030, 570.040, 570.080, 575.060, 575.080, 575.150, 575.260, 577.029, 578.250, 578.255, 578.260, 578.265, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, 595.060, 595.209, and 650.055, RSMo, and section 302.060 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session and section 302.060 as enacted by house committee substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third general assembly, first regular session, and to enact in lieu thereof seventy-one new sections relating to crime, with penalty provisions.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, and House Amendment Nos. 2 and 3.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Bill No. 26, Page 4, Lines 8 through 15 by deleting all of said lines and inserting in lieu thereof the following:

**“the death penalty in a case involving criminal homicide.”; and”**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 26, Page 31, Section 561.031, Line 28 by inserting after said line the following:

**“565.047. 1. A commission on the death penalty is hereby created within the office of administration to consist of ten members: two members from the house of representatives with one**

from each party (the majority party member shall be appointed by the speaker of the house of representatives and the minority party member shall be appointed by the minority floor leader); two members from the senate, one from each party (the majority party member shall be appointed by the president pro tem and the minority party member shall be appointed by the minority floor leader); a county prosecutor appointed by the Missouri Association of Prosecuting Attorneys and a criminal defense lawyer appointed by the Missouri Association of Criminal Defense Lawyers; the state public defender or his or her designee; the attorney general or his or her designee; a murder victim's family member and a family member of an individual on death row appointed by the director of the department of corrections. Commission members shall be comprised equally of individuals in favor and those opposed to the death penalty. The members of the commission shall serve without compensation, but the members shall be reimbursed for necessary expenses incurred in the work of the commission. The commission shall be appointed and staffed on or before December 1, 2009.

2. The commission on the death penalty shall elect a chair. The commission shall be assisted in its work by the staff of the Missouri supreme court and the personnel and staff of the state public universities.

3. The commission on the death penalty shall hold public hearings throughout the state, calling before it witnesses to testify and allowing other interested citizens to comment on issues relevant to the administration of the death penalty in Missouri.

4. The commission shall study all aspects of the death penalty as administered in the state. As part of this study, the commission on the death penalty shall review and analyze all cases in which the death penalty was sought and use a scientific method of random sampling to review and analyze a statistical representation of cases in which charges of first degree murder, second degree murder, or voluntary manslaughter were filed on or after January 1, 1977. The sampling shall have geographic representation across the state based on population distribution. Such review and analyses shall examine all available data concerning:

- (1) The facts of the offense including mitigating and aggravating circumstances;
- (2) The county in which the charges were filed;
- (3) The charges originally filed;
- (4) The crime for which the defendant was convicted, or to which the defendant entered a plea of guilty or for which the defendant was tried and acquitted;
- (5) The sentence imposed;
- (6) The age, race, gender, religious preference, and economic status of the defendant and the victim;
- (7) Whether evidence exists that the defendant was mentally retarded or mentally ill or both;
- (8) Whether the defendant had a prior criminal record and detailing that record if one exists;
- (9) The identity, number, and experience level of defense counsel at trial, appeal, and post conviction;
- (10) The identity, number, and experience level of trial and appellate prosecutors, including, where appropriate, members of the staff of the attorney general;

**(11) The body of evidence assembled to obtain a homicide conviction, including physical evidence, eyewitness testimony, informant testimony, etc.;**

**(12) The results of any appellate review;**

**(13) The results of any post-conviction review in state or federal court; and**

**(14) The cost per disposition and implementation of sentence. A cost analysis shall include comparison costs, both direct and indirect, born by county and state governments in the prosecution and defense of the defendant in all homicide cases where a death sentence was sought and in at least an equal number of homicide cases where a death sentence was not sought.**

**5. In considering the experience level of attorneys and the adequacy of resources as described in subdivisions (9) and (10) of subsection 4 of this section, the commission shall consider the experience and training levels required by the Missouri supreme court, the experience and training levels required by the courts and legislatures of other jurisdictions in which the death penalty is imposed, and the recommendations of national associations.**

**6. The review conducted by the commission shall include all such charges filed during the study period.**

**7. The commission shall study whether alternatives to the death penalty exist that would sufficiently ensure public safety and address other legitimate social and penological interests, including the interests of families of victims.**

**8. The commission shall report its findings and recommendations regarding the death penalty, including remedies for any deficiencies found by the commission, to the governor, members of the legislature, and the Missouri supreme court by January 1, 2012.**

**9. The commission shall make recommendations for amendments to the statutes and court rules pertaining to cases in which the death penalty is sought or imposed to provide assurances that:**

**(1) Defendants who are sentenced to death are in fact guilty of first degree murder;**

**(2) Defendants in cases in which the death penalty is sought are provided adequate and experienced counsel and adequate resources for the defense of their cases at trial and at the appellate and post-conviction stages;**

**(3) Race does not play an impermissible role in determining which defendants are sentenced to death;**

**(4) Appellate and post-conviction procedures are adequate to provide a fair opportunity for the courts of this state to correct errors and injustices that occurred at trial in cases in which the death penalty is imposed, including but not limited to allowing access to physical evidence for later testing and analysis; and**

**(5) All prosecutors throughout the state use similar criteria to determine whether to seek the death penalty in a case involving criminal homicide.**

**10. No execution of a defendant shall take place between the effective date of this section and January 1, 2012.**

**11. During the moratorium period, the special procedures in cases of first degree murder provided in sections 565.030 to 565.040 and any other proceedings related to capital cases, including motions**

**for post-conviction relief, shall continue to be operative and shall proceed as if no such moratorium were in place, except that no day certain for execution shall be appointed that falls during the moratorium.; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 26, Section 595.060, Page 61, Lines 1 to 16, by deleting all of said section from the bill; and

Further amend said bill, Section 595.220, Pages 65 to 67, Lines 1 to 48, by deleting all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 26, Section 556.036, Page 29, Line 7 by inserting immediately after the word “months” the following:

“;

**(4) For any violation of section 569.040, RSMo, when classified as a class B felony, or any violation of section 569.050 or 569.055, RSMo, five years”;** and

Further amend said Substitute, said Section, said Page, Lines 24-25 by deleting all of said Lines and inserting in lieu thereof the following:

“more than three years.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 153**.

With House Amendment Nos. 1, 2 and 3.

#### HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 153, in the title, Line 3, by deleting the words “sale of milk” and inserting in lieu thereof the words “marketing of commodities”; and

Further amend said Substitute, Section A, Page 1, Line 2 by inserting immediately after all of said section and line the following:

“265.525. 1. This section shall be known as the “Missouri Rice Certification Act”.

2. As used in this section, the following terms shall mean:

(1) “Characteristics of commercial impact”, characteristics determined by the rice advisory council under subsection 7 of this section that may adversely affect the marketability of rice in the event of commingling with other rice and may include, but are not limited to, those characteristics that cannot be visually identified without the aid of specialized equipment or testing, those characteristics that create a

significant economic impact in their removal from commingled rice, and those characteristics whose removal from commingled rice is infeasible;

(2) “Council”, the rice advisory council established in this section;

(3) “Department”, the department of agriculture;

(4) “Director”, the director of the department of agriculture;

(5) “End user”, any company or corporation, **not to include a producer**, that [uses rice as a major ingredient in industrial food processing] **is a major industrial user of rice in food processing**;

(6) “Handler”, any person, **not to include a producer**, engaged in this state in the business of **buying, marketing, drying, milling, or warehousing** rice, [including persons engaged in the drying, milling, or storing of rice];

(7) “Person”, any individual, partnership, limited liability company, limited liability partnership, corporation, firm, company, or any other entity doing business in Missouri;

(8) “Producer”, any person who produces, or causes to be produced, rice;

(9) “Rice”, all rough or paddy rice or brown rice (*Oryza* species) produced in or shipped in Missouri, including rice produced for seed. It does not include wild rice (*Zizania aquatica* or *Zizania palustris*).

3. Except as provided by rules promulgated by the department, it shall be unlawful for any person to introduce, sell, plant, produce, harvest, transport, store, process, or otherwise handle rice identified as having characteristics of commercial impact.

4. There is hereby created within the department of agriculture the “Rice Advisory Council”. The council shall be made up of the following ten members:

(1) The director, or his or her designee;

(2) Three members appointed by the director to include:

(a) An individual [representing handlers] **employed as or by a handler** in Missouri;

(b) An individual [representing end users] **employed as or by an end user**;

(c) An individual representing the biotechnology industry who is familiar with rice genetics;

(3) Six members appointed by the director as recommended by the Missouri Rice Research and Merchandising Council to include:

(a) Two producers, neither of whom shall be employed by or serve on the board of any rice mill or rice merchandiser;

(b) Two scientists employed by institutes of higher education in Missouri;

(c) A representative of rice mills operating in Missouri; and

(d) A representative of rice seed dealers.

5. Members of the council shall serve terms of three years in length except that the director shall be a permanent member of the council and the director shall stagger the terms of the initial appointments so that three members serve terms of two years, three members serve terms of three years, and three members serve terms of four years. There is no limit to the number of terms a member may serve. Vacancies shall be filled

in the same manner of representation as the original appointments.

6. The rice advisory council shall meet no less than twice annually as determined by the chairperson of the council, who shall be elected by the council at its first meeting and once every calendar year thereafter. Members of the council shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

7. The powers and duties of the rice advisory council shall include, but not be limited to, all of the following:

(1) Identifying rice varieties that have characteristics of commercial impact;

(2) Reviewing the efficacy of terms and conditions of identity preservation programs imposed on the planting, producing, harvesting, transporting, drying, storing, testing, or otherwise handling of rice identified using the most current industry standards and generally accepted scientific principles;

(3) Reviewing each rice variety identified as having characteristics of commercial impact not less often than every two years, or upon receipt of a petition from the purveyor of the rice;

(4) Making recommendations to the director on all matters pertaining to this section, including, but not limited to, enforcement of this section.

8. The department shall have the power to:

(1) Maintain the integrity and prevent the contamination of rice which has not been identified as having characteristics of commercial impact;

(2) Prevent the introduction of disease, weeds, or other pests that would adversely affect rice which has not been identified as having characteristics of commercial impact;

(3) Require that persons selling, offering for sale, or otherwise distributing seed for the production of rice identified as having characteristics of commercial impact, or that persons bringing rice identified as having characteristics of commercial impact into the state for processing, notify the department of the location of planting sites and the dates and procedures for planting, producing, harvesting, transporting, drying, storing, testing, or otherwise handling of rice identified as having characteristics of commercial impact;

(4) Require that persons receiving rice having been identified as having characteristics of commercial impact produced outside the state for processing notify the department of the location of the receipt and the procedures for processing, transporting, drying, storing, testing, or otherwise handling the rice to prevent commercial impact to other rice and the spread of weeds, disease, or other pests;

(5) Enforce restrictions and prohibitions imposed by the department on the selling, planting, producing, harvesting, transporting, drying, storing, testing, processing, or otherwise handling of rice identified as having characteristics of commercial impact; and

(6) Investigate alleged violations of this section, issue notices of violation, provide for an appeals process for persons aggrieved by the provisions of this section, and impose penalties for violation of this section.

9. The department may establish and collect reasonable fees for any sampling and testing of rice that the department determines is necessary to implement the provisions of this section. Any such fees shall be reviewed by the rice advisory council.



10. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

11. The department shall regularly report to the rice advisory council any findings of rice varieties that could potentially have characteristics of commercial impact.

12. If the rice advisory council determines that any rice variety with characteristics of commercial impact is documented as causing unreasonable adverse effects on the environment or public health, the council may issue recommendations to the department. Within sixty days of receiving any such recommendations from the council, the department shall hold a public hearing for the purpose of determining the nature and extent of commercial impact. Within thirty days of holding any such public hearing, the department shall issue a detailed opinion in response to the council recommendations.

13. The penalty for violating a provision of this section shall be no less than ten thousand dollars nor more than one hundred thousand dollars per day per violation.

14. If the department determines a person has violated any provision of this section, the department shall provide written notice to such person informing the person of the violation. The notice shall inform the person of the right to request an appeal. Nothing in this section shall prevent a person from seeking judicial relief in a court of competent jurisdiction.

15. The provisions of this section shall become effective one hundred eighty days from August 28, 2007.

16. The provisions of this section shall not be subject to the provisions of sections 610.010 to 610.200, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 153, Section A, Page 1, Line 2, by inserting immediately after said line the following:

“267.565. Unless the context requires otherwise, as used in sections 267.560 to 267.660, the following terms mean:

(1) “Accredited approved veterinarian”, a veterinarian who has been accredited by the United States Department of Agriculture and approved by the state department of agriculture and who is duly licensed under the laws of Missouri to engage in the practice of veterinary medicine, or a veterinarian domiciled and practicing veterinary medicine in a state other than Missouri, duly licensed under laws of the state in which he resides, accredited by the United States Department of Agriculture, and approved by the chief livestock sanitary official of that state;

(2) “Animal”, an animal of the equine, bovine, porcine, ovine, caprine, or species domesticated or semidomesticated;

(3) “Approved laboratory”, a laboratory approved by the department;

(4) “Approved vaccine” or “bacterin”, a vaccine or bacterin produced under the license of the United States Department of Agriculture and approved by the department for the immunization of animals against infectious and contagious disease;

(5) “Bird”, a bird of the avian species;

(6) “Certified free herd”, a herd of cattle, swine, goats or a flock of sheep or birds which has met the requirements and the conditions set forth in sections 267.560 to 267.660 and as required by the department and as recommended by the United States Department of Agriculture, and for such status for a specific disease and for a herd of cattle, swine, goats or flock of sheep or birds in another state which has met those minimum requirements and conditions under the supervision of the livestock sanitary authority of the state in which said animals or birds are domiciled, and as recommended by the United States Department of Agriculture for such status for a specific disease;

(7) **“Condition”, upon examination of any animal or bird in this state by the state veterinarian or his or her duly authorized representative, the findings of which indicate the presence or suspected presence of a toxin in such animal or bird that warrants further examination or observation for confirmation of the presence or nonpresence of such toxin;**

(8) “Department” or “department of agriculture”, the department of agriculture of the state of Missouri, and when by this law the said department of agriculture is charged to perform a duty, it shall be understood to authorize the performance of such duty by the director of agriculture of the state of Missouri, or by the state veterinarian of the state of Missouri or his duly authorized deputies acting under the supervision of the director of agriculture;

(9) **“Holding period”, restriction of movement of animals or birds into or out of a premise under such terms and conditions as may be designated by order of the state veterinarian or his or her duly authorized representative prior to confirmation of a contagious disease or condition;**

[(8)] (10) “Infected animal” or “infected bird”, an animal or bird which shows a positive reaction to any recognized serological test or growth on culture or any other recognized test for the detection of any disease of livestock or poultry as approved by the department or when clinical symptoms and history justifies designating such animal or bird as being infected with a contagious or infectious disease;

[(9)] (11) “Isolated” or “isolation”, a condition in which animals or birds are quarantined to a certain designated premises and quarantined separately and apart from any other animals or birds on adjacent premises;

[(10)] (12) “Licensed market”, a market as defined and licensed under chapter 277, RSMo;

[(11)] (13) “Livestock”, horses, cattle, swine, sheep, goats, ratite birds including but not limited to ostrich and emu, aquatic products as defined in section 277.024, RSMo, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild and raised in confinement for human consumption or animal husbandry, poultry and other domesticated animals or birds;

[(12)] (14) “Official health certificate” is a legal record covering the requirements of the state of Missouri executed on an official form of the standard size from the state of origin and approved by the proper livestock sanitary official of the state of origin or an equivalent form provided by the United States Department of Agriculture and issued by an approved, accredited, licensed, graduate veterinarian;

[(13)] **(15)** “Public stockyards”, any public stockyards located within the state of Missouri and subject to regulations of the United States Department of Agriculture or the Missouri department of agriculture;

[(14)] **(16)** “Quarantine”, a condition in which an animal or bird of any species is restricted in movement to a particular premises under such terms and conditions as may be designated by order of the state veterinarian or his duly authorized deputies;

[(15)] **(17)** “Traders” or “dealers”, any person, firm or corporation engaged in the business of buying, selling or exchange of livestock on any basis other than on a commission basis at any sale pen, concentration point, farm, truck or other conveyance including persons, firms or corporations employed as an agent of the vendor or purchaser excluding public stockyards under federal supervision or markets licensed under sections 267.560 to 267.660 and under the supervision of the department, breed association sales or any private farm sale.

267.600. **1.** Animals, livestock or birds under test **or investigation** for a contagious and infectious disease **or condition** may not be removed from the premises until the results of the tests are known and the owner of such animals, livestock or birds receives a record of the test from the veterinarian certifying that the animals or birds are free of the disease **or specified condition** and until any infected animals or birds are sold for slaughter on permit and as may be required by the state veterinarian, or until such animals or birds are recovered and incapable of spreading the disease **or condition** or until the animals or birds in the herd or flock have been released by the state veterinarian or his representative. The method of eradicating the disease **or condition** shall be at the discretion of the state veterinarian and in accordance with such procedures as may be outlined by the state veterinarian or his representative.

**2. The state veterinarian or his or her representative may implement a holding period for the premise until the investigation and confirmation of the contagious and infectious disease or condition is completed.**

**3. Once investigation and testing is complete, animals or birds shall be released from the holding period or placed under permanent quarantine by the state veterinarian or his or her representative.”;**  
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 153, Page 1, Section A, Line 2 by inserting after all of said section the following:

“416.410. As used in sections 416.410 to 416.560 the following terms are construed to have the following meanings, except in those instances where the context clearly indicates otherwise:

(1) “Bulk milk”, milk in bulk form, in cans, tank cars or tank trucks that is furnished to a processor for the purpose of processing and manufacture into milk products;

(2) “Bulk milk handler”, any person engaged in the business of transferring title to bulk milk to a processor, except a cooperative association organized under the laws of this state;

(3) “Cost to the bulk milk handler”, the price paid dairy farmers for the milk, plus receiving plant charge or a reasonable charge to cover all costs of operating his own receiving plant, plus transportation cost to the point of delivery to the purchaser;

(4) “Cost to the processor or distributor”, the price paid for raw materials, plus the cost of doing business, which shall include labor, salaries paid executives and officers, rent, interest, depreciation, power, supplies, maintenance of equipment, selling costs, advertising, transportation and delivery costs, credit losses, all types of permits and license fees, all taxes, insurance, and all overhead expenses of the processor or distributor;

(5) “Cost to the retailer”, the invoice price paid by the retailer plus the retailer’s cost of doing business. In the absence of specific evidence the cost of doing business shall be presumed to be eight percent of the invoice price, and this cost shall be calculated to the nearest half cent per sales unit;

(6) “Director”, the director of the department of agriculture;

(7) “Distributor”, any person, other than a bulk milk handler, engaged in the business of transferring title within the state to milk products for a consideration, where the product is to be sold for resale or further processing;

(8) **“Imitation milk” and “Imitation milk products” those foods that have the physical characteristics, such as taste, flavor, body, texture, or appearance of milk products as defined in this chapter but do not meet the definition of milk or milk product;**

(9) “Market milk”, milk disposed of in fluid form and which is approved by an appropriate city, county or state health authority for distribution and sale in fluid form in any part of the state of Missouri;

**[(9)] (10) “Milk”, the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy cows or goats;**

**(11) “Milk products”, market milk, pasteurized milk, vitamin D milk, homogenized milk, flavored milk [or flavored milk drinks], sweet cream, whipping cream, homogenized cream, skim milk, buttermilk, and cultured buttermilk, “milk products” do not include products such as evaporated milk, condensed milk, dietary products, infant formula, eggnog, dry milk products, packaged sports drinks, or packaged sports shakes;**

**[(10)] (12) “Nonprocessing retailer”, any person, not a processor, engaged in the business of transferring title within the state to milk products for a consideration where such product is to be used or consumed by the purchaser and is not to be resold or used for the purpose of manufacture or further processing;**

**[(11)] (13) “Processor”, any person engaged in the business of processing or packaging bulk milk or other materials into milk products.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

### PRIVILEGED MOTIONS

Senator Dempsey moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 306**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Ridgeway moved that the Senate refuse to concur in **HCS** for **SB 26**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HB 30**, with **SCS**, introduced by Representative Brandom, et al, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

Was taken up by Senator Goodman.

**SCS** for **HB 30**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 30

An Act to repeal section 478.001, RSMo, and to enact in lieu thereof four new sections relating to substance abuse of applicants and recipients of state benefits.

Was taken up.

Senator Goodman moved that **SCS** for **HB 30** be adopted.

Senator Goodman offered **SS** for **SCS** for **HB 30**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 30

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

Senator Goodman moved that **SS** for **SCS** for **HB 30** be adopted.

Senator Dempsey assumed the Chair.

At the request of Senator Goodman, **HB 30**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

President Pro Tem Shields assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HBs 620** and **671**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **HCS** for **HB 577**, begs leave to report that it has considered the same and recommends that the bill do pass.

**SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HB 682**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Dempsey assumed the Chair.

### PRIVILEGED MOTIONS

Senator Lager moved that the Senate refuse to concur in **HCS** for **SB 386**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Bartle moved that the Senate refuse to concur in **HCS** for **SB 262**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### HOUSE BILLS ON THIRD READING

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HB 577**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HCS** for **HB 577**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No.2** for **SB 114**, entitled:

An Act to repeal sections 192.925, 210.1012, 229.110, 302.302, 476.385, 479.260, 488.5025, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, and 566.226, RSMo, and to enact in lieu thereof ten new sections relating to certain criminal offenses and criminal procedures, with penalty provisions.

With House Amendment Nos. 2, 3, House Amendment No.1 to House Amendment No. 4 and House Amendment No. 4, as amended.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for House Committee Substitute for Senate Bill No. 114, Section 566.226, Page 10, Lines 1-12 by deleting all of said section and line and inserting in lieu thereof the following:

“566.226. 1. After August 28, 2007, any information contained in any court record, whether written or [published on the Internet,] **in electronic format**, that could be used to identify or locate any victim of **the following crimes: sexual assault, domestic assault, stalking, or [forcible rape] any other violation of this chapter or chapter 568, RSMo** shall be [closed and] redacted from such record prior to disclosure to the public **if filed prior to January 1, 2010. Beginning January 1, 2010, the identifying information as defined in this section shall be retained on a confidential case filing sheet.**

2. Identifying information shall include the name, home or temporary address, telephone number, **or Social Security number [or physical characteristics.] of any victim of the following crimes: sexual assault, domestic assault, stalking, or any other violation of this chapter or chapter 568, RSMo but not the named party in civil litigation.**

[2.] 3. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.

4. **Nothing in this section shall be construed to permit or be the basis of permitting the identifying information of a perpetrator of a sexual assault, domestic assault, stalking, or forcible rape to be redacted from an otherwise public record.**

5. **Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a sexual assault, domestic assault, stalking, or forcible rape case shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute No.2 for House Committee Substitute for Senate Bill No. 114, Page 10, Section 566.226, Line 12, by inserting after all of said section the following:

“577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An “aggravated offender” is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses;

or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and,

in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(2) A “chronic offender” is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(3) **“Continuous alcohol monitoring”, means automatically testing breath, blood, or transdermal alcohol concentration levels and tamper attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring is an electronic monitoring service as provided in subsection 3 of section 217.690, RSMo;**

(4) An “intoxication-related traffic offense” is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance, where the defendant was represented by or waived the right to an attorney in writing;

[(4)] (5) A “persistent offender” is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo; and

[(5)] (6) A “prior offender” is a person who has pleaded guilty to or has been found guilty of one



intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment. **In addition to any other terms or conditions of probation or parole the court shall consider as a condition of parole or probation, for any person who pleads guilty to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of four times per day as scheduled by the court for such duration as determined by the court but not less than ninety days. The court may, in addition to imposing any other fine, costs, or assessments provided by law, require the offender to bear any costs associated with continuous alcohol monitoring or verifiable breath alcohol testing.**

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an intoxication-related traffic offense shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any intoxication-related traffic offense in a state, county, or municipal court, or any combination thereof, shall be treated as a prior plea of guilty or finding of guilt for purposes of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 House Committee Substitute No. 2 to Senate Bill No. 114, Page 2, Line 13 by deleting the words “**but not less than fifteen years**” and insert in lieu thereof the words “**not to exceed twenty years**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for House Committee Substitute for Senate Bill No. 114, Section 566.226, Page 10, Line 12 by inserting after all of said line the following:

“568.045. 1. **This law shall be called and may be cited as “Karra’s, Hope’s and Jocelyn’s Law”.**

2. A person commits the crime of endangering the welfare of a child in the first degree if:

(1) The person knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years old; or

(2) The person knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) The person knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

(4) Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or

(5) Such person, in the presence of a person less than seventeen years of age or in a residence where a person less than seventeen years of age resides, unlawfully manufactures, or attempts to manufacture compounds, **possesses**, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

[2.] **3. Except as provided in subsection 4 of this section** endangering the welfare of a child in the first degree is a class C felony unless the offense is committed as part of a ritual or ceremony, or except on a second or subsequent offense, in which case the crime is a class B felony.

**4. Endangering the welfare of a child in the first degree when committed under subdivision (1) of subsection 2 of this section, and when the manner in which such person acts to create a substantial risk to the life, body, or health of a child is by shaking a child under the age of five by the arms, legs, chest, or shoulders, is a felony for which the authorized term of imprisonment is any term of years but not less than fifteen years.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 539**, entitled:

An Act to repeal sections 204.569, 278.070, 640.107, 640.150, 644.036, 644.054, and 644.101, RSMo, and to enact in lieu thereof nine new sections relating to environmental protection, with an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section 644.101, Page 9, Line 16 by inserting immediately after said Line the following:

“701.500. 1. As used in sections 701.500 to 701.515, the following terms shall mean:

(1) “Department”, the department of natural resources;

(2) “Director”, the director of the department of natural resources;

(3) “Energy star program”, a joint program of the United States Environmental Protection Agency and the United States Department of Energy that identifies and promotes energy efficient products and practices.

2. The provisions of sections 701.500 to 701.515 shall apply to appliances [and consumer electronics that have earned the energy star under the energy star program or] that **do not** have minimum energy efficiency standards required under federal law.

3. No person shall sell, offer for sale, or install any new product listed in subsection 2 of this section in the state unless the product meets the minimum energy efficiency standards under sections 701.500 to 701.515.

4. The provisions of sections 701.500 to 701.515 shall not apply to:

**(1) Consumer electronics; or**

**(2) Products:**

[(1)] **(a)** Manufactured in the state and sold outside the state;

[(2)] **(b)** Manufactured outside the state and sold at wholesale inside the state for final retail sale outside the state;

[(3)] **(c)** Installed in mobile manufactured homes at the time of construction; or

[(4)] **(d)** Designed expressly for installation and use in recreational vehicles.

**701.502. 1. The department shall conduct a study of the energy efficiency of consumer electronic products and report to the general assembly no later than July 1, 2010. The report shall include:**

**(1) An assessment of energy requirements and energy usage of consumer electronic products;**

**(2) Recommendations to consumers regarding appropriate use of consumer electronic products; and**

**(3) Recommendations to consumers regarding the availability of energy efficient consumer electronic products in Missouri.**

**2. The report shall be posted on the department's website and made available to the public upon request.**

701.503. 1. In conjunction with the advisory group under section 701.509, the director shall promulgate, by rule, the minimum energy efficiency standards for the products in subsection 2 of section 701.500. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

2. The standards enacted by the director, in conjunction with the advisory group under section 701.509, shall not be more stringent than the federal energy star program requirements [or], if [no] such requirements are applicable[, the minimum standard required by federal law].

701.506. In conjunction with the advisory group under section 701.509, the department shall update the minimum energy efficiency standards in section 701.503 not less than once every three years beginning from the date the standards were first promulgated by rule. The purpose of any such update shall be to keep

the state standards current with technological advancements and industry practices with regard to energy efficiency, while also giving due consideration to consumer and environmental costs and benefits. The department shall strive to have the standards achieve greater energy efficiency over time in a prudent and reasonable manner. Standards shall not be more stringent than required by the federal energy star program requirements [or], if [no] such requirements are applicable[, the minimum standard required by federal law].”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section 640.160, Page 6, Line 15, by inserting after all of said line the following:

**“640.300. Nothing in sections 640.300 to 640.340 shall be interpreted to impede or excuse the disclosure of normal regulatory reporting requirements for environmental compliance.**

**640.305. As used in sections 640.300 to 640.340, the following terms shall mean:**

**(1) “Compliance management system” or “environmental management system”, a regulated entity’s documented systematic efforts, appropriate to the size and nature of its business, to prevent, detect, and correct noncompliance through all of the following:**

**(a) Compliance policies, standards, and procedures that identify how employees and agents are to meet the requirements of laws, regulations, permits, enforceable agreements, and other sources of authority for environmental requirements;**

**(b) Assignment of overall responsibility for overseeing compliance with policies, standards, and procedures, and assignment of specific responsibility for assuring compliance at each facility or operation;**

**(c) Mechanisms for systematically assuring that compliance policies, standards, and procedures are being carried out, including monitoring and auditing systems reasonably designed to detect and correct noncompliance, periodic evaluation of the overall performance of the compliance management system, or environmental management system, and a means for employees or agents to report noncompliance of environmental requirements without fear of retaliation;**

**(d) Efforts to communicate effectively the regulated entity’s standards and procedures to all employees and other agents;**

**(e) Appropriate incentives to managers and employees to perform in accordance with the compliance policies, standards, and procedures, including consistent enforcement through appropriate disciplinary mechanisms; and**

**(f) Procedures for the prompt and appropriate correction of any noncompliance, and any necessary modifications to the regulated entity’s compliance management system or environmental management system to prevent future noncompliance;**

**(2) “Department”, the department of natural resources;**

**(3) “Environmental audit”, a systematic, documented, periodic, and objective review by regulated entities of facility operations and practices related to meeting environmental requirements;**

**(4) “Environmental audit report”, the documented analysis, conclusions, and recommendations**

resulting from an environmental audit, but not including data obtained in or testimonial evidence concerning such audit;

(5) “Regulated entity”, any entity, including a federal, state, or municipal department or facility, which is regulated under federal or state environmental laws.

**640.310.** If a regulated entity satisfies all of the conditions of section 640.330, neither the department nor the attorney general may seek penalties, other than the recovery of the economic benefits gained through noncompliance with environmental requirements, for noncompliance of state, federal, or local laws, regulations, permits, or orders relating to environmental requirements discovered and disclosed by the entity. If a regulated entity satisfies all of the conditions of section 640.330, except for the periodic routine assessment through an environmental audit or compliance management system, the department may recover as penalties the economic benefits gained through noncompliance, and reduce any other penalties up to seventy-five percent for noncompliance of state or federal laws, regulations, permits, or orders relating to environmental requirements discovered and disclosed by the entity.

**640.315.** If a regulated entity establishes that it satisfies subdivisions (1) to (9) of section 640.330, the department shall not recommend to the attorney general or other prosecuting authority that criminal charges be brought against the disclosing entity, as long as the department determines that the noncompliance is not part of a pattern or practice that demonstrates or involves:

(1) A prevalent management philosophy or practice that conceals or condones environmental noncompliance; or

(2) High-level corporate officials’ or managers’ conscious involvement in, or willful blindness to, noncompliance of federal environmental law.

**640.320.** Regardless of whether the department recommends the regulated entity for criminal prosecution, the department may recommend for prosecution the criminal acts of individual managers or employees under existing policies guiding the exercise of enforcement discretion.

**640.325.** The department, the attorney general, and any prosecuting attorney shall not request or use an environmental audit report to initiate a civil or criminal investigation of an entity, including but not limited to the use of such report in routine inspections. If the department has an independent reason to believe that noncompliance has occurred, the department may seek any information relevant to identifying noncompliance or determining liability or extent of harm.

**640.330.** In order to receive the benefits of sections 640.310 to 640.325, owners and operators of facilities regulated under state, federal, regional, or local laws, ordinances, regulations, permits, or orders shall comply with the following:

(1) The noncompliance was discovered through:

(a) An environmental audit; or

(b) A compliance management system, reflecting the regulated entity’s due diligence in preventing, detecting, and correcting noncompliance. The regulated entity shall provide accurate and complete documentation to the department as to how its compliance management system meets the criteria or due diligence and how the regulated entity discovered the noncompliance through its compliance management system. The department may require the registered entity to make

available to the public a description of its compliance management system;

(2) The noncompliance was discovered voluntarily and not through a legally mandated monitoring or sampling requirement prescribed by statute, regulation, permit, judicial, or administrative order, or consent agreement. For example, sections 640.310 to 640.325, do not apply to:

(a) Emissions noncompliance detected through a continuous emissions monitor, or alternative monitor established in a permit, regulation, order, or other instrument, in which any such monitoring is required;

(b) Noncompliance of National Pollutant Discharge Elimination System discharge limits detected through required sampling or monitoring; and

(c) Noncompliance discovered through a compliance audit required to be performed by the terms of a consent order or settlement agreement, unless the audit is a component of agreement terms to implement a comprehensive environmental management system;

(3) The regulated entity fully discloses the specific noncompliance in writing to the department within twenty-one days, or such shorter time period as may be required by law, after the entity discovers that the noncompliance has, or may have, occurred. The time at which the entity discovers that a noncompliance has, or may have, occurred begins when any officer, director, employee, or agent of the facility has an objectively reasonable basis for believing that a noncompliance has, or may have, occurred;

(4) The regulated entity discovers and discloses the potential noncompliance to the department prior to:

(a) The commencement of a federal, state, or local department inspection or investigation, or the issuance by such department of an information request to the registered entity, in which the department determines that the facility did not know that it was under civil investigation, and the department determines that the entity is otherwise acting in good faith, in which case the department is authorized to reduce or waive civil penalties in accordance with section 640.310;

(b) Notice of a citizen suit;

(c) The filing of a complaint by a third party;

(d) The reporting of the noncompliance to the department or other governmental agency by a whistle-blower employee and not be authorized to speak on behalf of the regulated entity; or

(e) Imminent discovery of the noncompliance by a regulatory department or agency;

(5) The regulated entity shall correct the noncompliance within sixty calendar days from the date of discovery, or such shorter time period as may be required by law, certifying in writing that the noncompliance has occurred and taking appropriate measures as determined by the department to remedy any environmental or human harm due to the noncompliance. The department retains the authority to order an entity to correct a noncompliance within a specific time period shorter than sixty days whenever correction in such shorter time period is necessary to protect public health and the environment. If more than sixty days is needed to correct the noncompliance, the regulated entity shall so request additional time from the department in writing prior to the expiration of the sixty-day period. The Missouri department of natural resources will approve or deny the request before the expiration of the sixty-day period. If the department approves additional time, the department may

require a regulated entity to enter into a publicly available written agreement, administrative consent order, or judicial consent decree as a condition for obtaining relief under sections 640.310 to 640.325, in particular where compliance or remedial measures are complex or a lengthy schedule for attaining and maintaining compliance or remediating harm is required;

(6) The regulated entity shall agree in writing or other appropriate order to take steps acceptable to the director to prevent a recurrence of the noncompliance, including improvements to its environmental auditing or compliance management system;

(7) The specific noncompliance, or a closely related noncompliance, has not occurred within the previous three years at the same facility and has not occurred within the past five years as part of a pattern at multiple facilities owned or operated by the same entity. For the purposes of this section, noncompliance includes:

(a) Failure to comply with any federal, state, or local environmental law identified in a judicial or administrative order, consent agreement or order, complaint, or notice of noncompliance, conviction, or plea agreement; or

(b) Any act or omission for which the regulated entity has previously received penalty mitigation from the department or another state or local department;

(8) The noncompliance is not one which:

(a) Resulted in actual harm, or may have presented an imminent and substantial endangerment, to human health or the environment; or

(b) Violates the specific terms of any judicial or administrative order or consent agreement; and

(9) The regulated entity cooperates as requested by the department and provides such information as is necessary and requested by the department to determine applicability of sections 640.310 to 640.325.

640.335. The department shall make available to the public the terms and conditions of and supporting documentation demonstrating any compliance agreement reached under sections 640.310 to 640.325, including the nature of the noncompliance, the remedy, and the schedule for returning to compliance.

640.340. Nothing in sections 640.300 to 640.335 shall prevent a private party from bringing a cause of action, where otherwise permitted under the law, against an entity whose noncompliance with any relevant environmental law has caused damage to such private party.

640.345. The department shall not disclose from any audit report information relating to scientific and technological innovations in which the owner has a proprietary interest of any information which is otherwise protected from disclosure by law.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section A, Page 1, Line 4, by inserting after all of said line the following:

“91.265. Notwithstanding any other provision of law to the contrary, any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine



**hundred inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants shall be authorized to be the exclusive provider of water and sanitary sewer service to all areas presently located within the boundaries of such city if such utility service is not then being provided to the inhabitants thereof by the state of Missouri or any political subdivision of the state of Missouri including, but not limited to, common sewer districts established under chapter 204, RSMo.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section 644.101, Page 9, Line 16, by inserting after all of said line the following:

“640.115. 1. Every municipal corporation, private corporation, company, partnership, federal establishment, state establishment or individual supplying or authorized to supply drinking water to the public within the state shall file with the department of natural resources a certified copy of the plans and surveys of the waterworks with a description of the methods of purification, treatment technology and source from which the supply of water is derived, and no source of supply shall be used without a written permit of approval issued to the continuing operating authority by the department of natural resources, or water dispensed to the public without first obtaining such written permit of approval. Prior to a change of permittee, the current permittee shall notify the department of the proposed change and the department shall perform a permit review.

2. Construction, extension or alteration of a public water system shall be in accordance with the rules and regulations of the safe drinking water commission.

3. Permit applicants shall show, as part of their application, that a permanent organization exists which will serve as the continuing operating authority for the management, operation, replacement, maintenance and modernization of the facility. Such continuing operating authority for all community water systems and nontransient, noncommunity water systems commencing operation after October 1, 1999, shall be required to have and maintain the managerial, technical and financial capacity, as determined by the department, to comply with sections 640.100 to 640.140.

4. Any community water system or nontransient, noncommunity water system against which an administrative order has been issued for significant noncompliance with the federal Safe Drinking Water Act, as amended, sections 640.100 to 640.140 or any rule or regulation promulgated thereunder shall be required to show that a permanent organization exists that serves as the continuing operating authority for the facility and that such continuing operating authority has the managerial, technical and financial capacity to comply with sections 640.100 to 640.140 and regulations promulgated thereunder. If the water system cannot show to the department’s satisfaction that such continuing operating authority exists, or if the water system is not making substantial progress toward compliance, the water system’s permit may be revoked. The continuing operating authority may reapply for a permit in accordance with rules promulgated by the commission.

**5. (1) Any water system that only serves a charitable or benevolent organization, if the total volume of water drawn from such wells does not exceed fifteen thousand gallons per calendar month, as self-reported by the owner or operator of the water system, shall be exempt from all rules relating**

to well construction except any rules applying to domestic wells and rules that require proof of the quantity of water drawn from such wells, unless such wells or pump installations for such wells are determined to present a threat to groundwater or produce water that does not meet safe drinking water standards. Failure to report or false reporting shall be subject to civil or administrative penalties as set forth in sections 640.130 or 640.131.

(2) The water system shall be evaluated for significant deficiencies as required by regulations promulgated by the Safe Drinking Water Commission. The owner or operator shall implement actions necessary to correct the significant deficiencies and provide safe drinking water that may include installing treatment to meet 4-log removal of viruses, replacing the well, or connecting to an alternative water system.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Page 9, Section 644.101, Line 16, by inserting after all of said line the following:

“Section 1. 1. There is hereby established a joint committee of the general assembly, which shall be known as the “Joint Committee on Missouri’s Energy Future”, which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house. The committee shall select either a chairman or co-chairmen, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairman or chairmen designate.

2. The committee shall examine Missouri’s present and future energy needs to determine the best strategy to ensure a plentiful, affordable and clean supply of electricity that will meet the needs of the people and businesses of Missouri for the next twenty five years and ensure that Missourians continue to benefit from low rates for residential, commercial, and industrial energy consumers.

3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of economic development, department of natural resources, and the public service commission.

4. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2009, at which time the joint committee shall be dissolved.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.”; and

Further amend said bill, Section B by removing all of said Section and inserting in lieu thereof the following:

“Section B. Because of the need to distribute funds from the American Recovery and Reinvestment Act

of 2009 in a timely and efficient manner and because of the critical need for reliable and affordable energy, the repeal and reenactment of sections 640.107, 640.150, 644.036, 644.054, and 644.101 and the enactment of sections 204.659, 640.160, and Section 1 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 640.107, 640.150, 644.036, 644.054, and 644.101 and the enactment of sections 204.659, 640.160, and Section 1 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section 644.036, Page 8, Line 64 by inserting immediately after all of said section and line the following:

“644.051. 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to build, erect, alter, replace, operate, use or maintain any water contaminant or point source, **including but not limited to the land application of any water contaminant from an industrial process**, in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds a permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. **A permit issued pursuant to this chapter is required for any land application of any water contaminant from an industrial process unless exempted by the commission by rule prior to August 28, 2009. If the department determines a previously exempted person may violate subpart 1 above, the department may, upon notice to such person, rescind such exemption.** However, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works, **unless the department determines such a permit is necessary to protect human health, public welfare or the environment. As used in this subsection, the term “industrial process” does not include concentrated animal feeding operations.**

3. Every proposed water contaminant or point source which, when constructed or installed or established, will be subject to any federal water pollution control act or sections 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make application to the director for a permit at least thirty days prior to the initiation of construction or installation or establishment. Every water contaminant or point source in existence when regulations or sections 644.006 to 644.141 become effective shall make application to the director for a permit within sixty days after the regulations or sections 644.006

to 644.141 become effective, whichever shall be earlier. The director shall promptly investigate each application, which investigation shall include such hearings and notice, and consideration of such comments and recommendations as required by sections 644.006 to 644.141 and any federal water pollution control act. If the director determines that the source meets or will meet the requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto, the director shall issue a permit with such conditions as he or she deems necessary to ensure that the source will meet the requirements of sections 644.006 to 644.141 and any federal water pollution control act as it applies to sources in this state. If the director determines that the source does not meet or will not meet the requirements of either act and the regulations pursuant thereto, the director shall deny the permit pursuant to the applicable act and issue any notices required by sections 644.006 to 644.141 and any federal water pollution control act.

4. Before issuing a permit to build or enlarge a water contaminant or point source or reissuing any permit, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule. Prior to the development or renewal of a general permit or permit by rule, for aquaculture, the director shall convene a meeting or meetings of permit holders and applicants to evaluate the impacts of permits and to discuss any terms and conditions that may be necessary to protect waters of the state. Following the discussions, the director shall finalize a draft permit that considers the comments of the meeting participants and post the draft permit on notice for public comment. The director shall concurrently post with the draft permit an explanation of the draft permit and shall identify types of facilities which are subject to the permit conditions. Affected public or applicants for new general permits, renewed general permits or permits by rule may request a hearing with respect to the new requirements in accordance with this section. If a request for a hearing is received, the commission shall hold a hearing to receive comments on issues of significant technical merit and concerns related to the responsibilities of the Missouri clean water law. The commission shall conduct such hearings in accordance with this section. After consideration of such comments, a final action on the permit shall be rendered. The time between the date of the hearing request and the hearing itself shall not be counted as time elapsed pursuant to subdivision (1) of subsection 13 of this section.

5. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the

notice of denial or issuance of the permit. The commission shall set the matter for hearing not less than thirty days after the notice of appeal is filed. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section the burden of proof is on the applicant for a permit. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. Unless a site-specific permit is requested by the applicant, aquaculture facilities shall be governed by a general permit issued pursuant to this section with a fee not to exceed two hundred fifty dollars pursuant to subdivision (5) of subsection 6 of section 644.052. However, any aquaculture facility which materially violates the conditions and requirements of such permit may be required to obtain a site-specific permit.

10. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of an operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit.

11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

12. The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities or facilities that utilize innovative technology for wastewater treatment in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. For the purposes of this section, "innovative technology for wastewater treatment" shall mean a completely new and generally unproven technology in the type or method of its application that bench testing or theory suggest has environmental, efficiency, and cost benefits beyond the standard technologies. No bond shall be required for designs approved by any federal agency or environmental regulatory agency of another state. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions

of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

13. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the requested permits within sixty days of the department's receipt of an application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065, RSMo.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087, RSMo. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

14. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

15. All permit fees generated pursuant to this chapter shall not be used for the development or

expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section 278.070, Page 3, Line 37, by inserting after all of said line the following:

“386.756. 1. Except by an affiliate, a utility may not engage in HVAC services, unless otherwise provided in subsection 7 or 8 of this section.

2. No affiliate or utility contractor may use any vehicles, service tools, instruments, employees, or any other utility assets, the cost of which are recoverable in the regulated rates for utility service, to engage in HVAC services unless the utility is compensated for the use of such assets at cost to the utility.

3. A utility may not use or allow any affiliate or utility contractor to use the name of such utility to engage in HVAC services unless the utility, affiliate or utility contractor discloses, in plain view and in bold type on the same page as the name is used on all advertisements or in plain audible language during all solicitations of such services, a disclaimer that states the services provided are not regulated by the public service commission.

4. A utility may not engage in or assist any affiliate or utility contractor in engaging in HVAC services in a manner which subsidizes the activities of such utility, affiliate or utility contractor to the extent of changing the rates or charges for the utility’s regulated services above or below the rates or charges that would be in effect if the utility were not engaged in or assisting any affiliate or utility contractor in engaging in such activities.

5. Any affiliates or utility contractors engaged in HVAC services shall maintain accounts, books and records separate and distinct from the utility.

6. The provisions of this section shall apply to any affiliate or utility contractor engaged in HVAC services that is owned, controlled or under common control with a utility providing regulated utility service in this state or any other state.

7. A utility engaging in HVAC services in this state five years prior to August 28, 1998, may continue providing, to existing as well as new customers, the same type of services as those provided by the utility five years prior to August 28, 1998. The provisions of this section only apply to the area of service which the utility was actually supplying service to on a regular basis prior to August 28, 1993. The provisions of this section shall not apply to any subsequently expanded areas of service made by a utility through either existing affiliates or subsidiaries or through affiliates or subsidiaries purchased after August 28, 1993, unless such services were being provided in the expanded area prior to August 28, 1993.

8. The provisions of this section shall not be construed to prohibit a utility from providing emergency service, providing any service required by law or providing a program pursuant to an existing tariff, rule or order of the public service commission.

9. A utility that violates any provision of this section is guilty of a civil offense and may be subject to a civil penalty of up to twelve thousand five hundred dollars for each violation. The attorney general may enforce the provisions of this section pursuant to any powers granted to him or her pursuant to any relevant provisions provided by Missouri statutes or the Missouri Constitution.

10. Any utility claiming an exemption as provided in subsection 7 of this section shall comply with all applicable state and local laws, ordinances or regulations relating to the installation or maintenance of HVAC systems including all permit requirements. A continuing pattern of failure to comply with said requirements shall provide the basis for a finding by any court of competent jurisdiction or the public service commission that the utility has waived its claim of exemption pursuant to subsection 7 of this section.

**11. Every utility in this state shall comply with all local permit and code requirements.”;** and  
Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section B, Page 9, Line 3, by deleting all of said line and inserting in lieu thereof the following:

“sections 278.070, 640.107, 640.150, 644.036, 644.054, and 644.101 and the enactment of sections”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section A, Page 1, Line 4 by inserting immediately after all of said section and line the following:

“30.750. As used in sections 30.750 to 30.767, the following terms mean:

(1) “Eligible agribusiness”, a person engaged in the processing or adding of value to agricultural products produced in Missouri;

(2) **“Eligible alternative energy consumer”, an individual who wishes to borrow moneys for the purchase, installation, or construction of facilities or equipment related to the production of fuel or power primarily for their own use from energy sources other than fossil fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass;**

(3) “Eligible alternative energy operation”, a business enterprise engaged in the production [and sale] of fuel or power from energy sources other than fossil fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass. Such business enterprise shall conform to the characteristics of paragraphs (a), (b), and (d) of subdivision [(5)] **(6)** of this section;

[(3)] **(4)** “Eligible beginning farmer”,

(a) For any beginning farmer who seeks to participate in the linked deposit program alone, a farmer who:

a. Is a Missouri resident;

b. Wishes to borrow for a farm operation located in Missouri;

c. Is at least eighteen years old; and

d. In the preceding five years has not owned, either directly or indirectly, farm land greater than fifty percent of the average size farm in the county where the proposed farm operation is located or farm land



with an appraised value greater than four hundred fifty thousand dollars. A farmer who qualifies as an eligible farmer under this provision may utilize the proceeds of a linked deposit loan to purchase agricultural land, farm buildings, new and used farm equipment, livestock and working capital;

(b) For any beginning farmer who is participating in both the linked deposit program and the beginning farmer loan program administered by the Missouri agriculture and small business development authority, a farmer who:

a. Qualifies under the definition of a beginning farmer utilized for eligibility for federal tax-exempt financing, including the limitations on the use of loan proceeds; and

b. Meets all other requirements established by the Missouri agriculture and small business development authority;

[(4)] **(5)** “Eligible facility borrower”, a borrower qualified under section 30.860 to apply for a reduced-rate loan under sections 30.750 to 30.767;

[(5)] **(6)** “Eligible farming operation”, any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo, that has all of the following characteristics:

(a) Is headquartered in this state;

(b) Maintains offices, operating facilities, or farming operations and transacts business in this state;

(c) Employs less than ten employees;

(d) Is organized for profit;

[(e)] Possesses not more than sixty percent equity, where “percent equity” is defined as total assets minus total liabilities divided by total assets, except that an otherwise eligible farming operation applying for a loan for the purpose of installing or improving a waste management practice in order to comply with environmental protection regulations shall be exempt from this eligibility requirement;]

**(7) “Eligible governmental entity”, any political subdivision of the state or any public higher education institution in the state seeking to finance capital improvements, capital outlay, or other significant programs through an eligible lending institution;**

[(6)] **(8)** “Eligible higher education institution”, any approved public or private institution as defined in section 173.205, RSMo;

[(7)] **(9)** “Eligible job enhancement business”, a new, existing, or expanding firm operating in Missouri, or as a condition of accepting the linked deposit, will locate a facility or office in Missouri associated with said linked deposit, which employs ten or more employees in Missouri on a yearly average and which, as nearly as possible, is able to establish or retain at least one job in Missouri for each fifty thousand dollars received from a linked deposit loan **except when the applicant can demonstrate significant costs for equipment, capital outlay, or capital improvements associated with the physical expansion, renovation, or modernization of a facility or equipment. In such cases, the maximum amount of the linked deposit shall not exceed fifty thousand dollars per job created or retained plus the initial cost of the physical expansion, renovation or capital outlay;**

[(8)] **(10)** “Eligible lending institution”, a financial institution that is eligible to make commercial or agricultural or student loans or discount or purchase such loans, is a public depository of state funds or

obtains its funds through the issuance of obligations, either directly or through a related entity, eligible for the placement of state funds under the provisions of section 15, article IV, Constitution of Missouri, and agrees to participate in the linked deposit program;

[(9)] **(11)** “Eligible livestock operation”, any person engaged in production of livestock or poultry in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo;

[(10)] **(12)** “Eligible locally owned business”, any person seeking to establish a new firm, partnership, cooperative company, or corporation that shall retain at least fifty-one percent ownership by residents in a county in which the business is headquartered, that consists of the following characteristics:

- (a) The county has a median population of twelve thousand five hundred or less; and
- (b) The median income of residents in the county are equal to or less than the state median income; or
- (c) The unemployment rate of the county is equal to or greater than the state’s unemployment rate;

[(11)] **(13)** “Eligible marketing enterprise”, a business enterprise operating in this state which is in the process of marketing its goods, products or services within or outside of this state or overseas, which marketing is designed to increase manufacturing, transportation, mining, communications, or other enterprises in this state, which has proposed its marketing plan and strategy to the department of economic development and which plan and strategy has been approved by the department for purposes of eligibility pursuant to sections 30.750 to 30.767. Such business enterprise shall conform to the characteristics of paragraphs (a), (b) and (d) of subdivision [(5)] **(6)** of this section and also employ less than twenty-five employees;

[(12)] **(14)** “Eligible multitenant development enterprise”, a new enterprise that develops multitenant space for targeted industries as determined by the department of economic development and approved by the department for the purposes of eligibility pursuant to sections 30.750 to 30.767;

[(13)] **(15)** “Eligible residential property developer”, an individual who purchases and develops a residential structure of either two or four units, if such residential property developer uses and agrees to continue to use, for at least the five years immediately following the date of issuance of the linked deposit loan, one of the units as his principal residence or if such person’s principal residence is located within one-half mile from the developed structure and such person agrees to maintain the principal residence within one-half mile of the developed structure for at least the five years immediately following the date of issuance of the linked deposit loan;

[(14)] **(16)** “Eligible residential property owner”, a person, firm or corporation who purchases, develops or rehabilitates a multifamily residential structure;

[(15)] **(17)** “Eligible small business”, a person engaged in an activity with the purpose of obtaining, directly or indirectly, a gain, benefit or advantage and which conforms to the characteristics of paragraphs (a), (b) and (d) of subdivision [(5)] **(6)** of this section, and also employs less than [twenty-five] **one hundred** employees;

[(16)] **(18)** “Eligible student borrower”, any person attending, or the parent of a dependent undergraduate attending, an eligible higher education institution in Missouri who may or may not qualify for need-based student financial aid calculated by the federal analysis called Congressional Methodology Formula pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of 1986);

[(17)] **(19)** “Eligible water supply system”, a water system which serves fewer than fifty thousand persons and which is owned and operated by:

(a) A public water supply district established pursuant to chapter 247, RSMo; or

(b) A municipality or other political subdivision; or

(c) A water corporation; and which is certified by the department of natural resources in accordance with its rules and regulations to have suffered a significant decrease in its capacity to meet its service needs as a result of drought;

[(18)] **(20)** “Farming”, using or cultivating land for the production of agricultural crops, livestock or livestock products, forest products, poultry or poultry products, milk or dairy products, or fruit or other horticultural products;

[(19)] **(21)** “Linked deposit”, a certificate of deposit, or in the case of production credit associations, the subscription or purchase outright of obligations described in section 15, article IV, Constitution of Missouri, placed by the state treasurer with an eligible lending institution at rates otherwise provided by law in section 30.758, provided the institution agrees to lend the value of such deposit, according to the deposit agreement provided in sections 30.750 to 30.767, to **eligible multitenant development enterprises**, eligible small businesses, eligible alternative energy operations, **eligible alternative energy consumers**, eligible locally owned businesses, farming operations, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, **eligible governmental entities**, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible student borrowers, eligible facility borrowers, or eligible water supply systems at below the present borrowing rate applicable to each **multitenant development enterprise**, small business, **alternative energy operation**, **alternative energy consumer**, farming operation, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, or supply system at the time of the deposit of state funds in the institution;

[(20)] **(22)** “Market rate”, the interest rate tied to federal government securities and more specifically described in subsection 4 of section 30.260;

[(21)] **(23)** “Professional forester”, any individual who holds a bachelor of science degree in forestry from a regionally accredited college or university with a minimum of two years of professional forest management experience;

[(22)] **(24)** “Qualified biomass”, any agriculture-derived organic material or any wood-derived organic material harvested in accordance with a site-specific forest management plan focused on long-term forest sustainability developed by a professional forester and qualified, in consultation with the conservation commission, by the agriculture and small business development authority;

[(23)] **(25)** “Water corporation”, as such term is defined in section 386.020, RSMo;

[(24)] **(26)** “Water system”, as such term is defined in section 386.020, RSMo.

30.753. 1. The state treasurer may invest in linked deposits; however, the total amount so deposited at any one time shall not exceed, in the aggregate, seven hundred twenty million dollars. No more than three hundred thirty million dollars of the aggregate deposit shall be used for linked deposits to eligible farming operations, eligible locally owned businesses, eligible agribusinesses, eligible beginning farmers, eligible

livestock operations, and eligible facility borrowers, no more than one hundred ten million of the aggregate deposit shall be used for linked deposits to small businesses, no more than twenty million dollars shall be used for linked deposits to eligible multitenant development enterprises, and no more than twenty million dollars of the aggregate deposit shall be used for linked deposits to eligible residential property developers and eligible residential property owners, no more than two hundred twenty million dollars of the aggregate deposit shall be used for linked deposits to eligible job enhancement businesses and no more than twenty million dollars of the aggregate deposit shall be used for linked deposit loans to eligible water systems. Linked deposit loans may be made to eligible student borrowers [and], eligible alternative energy operations, **eligible alternative energy consumers, and eligible governmental entities** from the aggregate deposit. If demand for a particular type of linked deposit exceeds the initial allocation, and funds initially allocated to another type are available and not in demand, the state treasurer may commingle allocations among the types of linked deposits.

2. The minimum deposit to be made by the state treasurer to an eligible lending institution for eligible job enhancement business loans shall be ninety thousand dollars. Linked deposit loans for eligible job enhancement businesses may be made for the purposes of assisting with relocation expenses, working capital, interim construction, inventory, site development, machinery and equipment, or other expenses necessary to create or retain jobs in the recipient firm.

30.756. 1. An eligible lending institution that desires to receive a linked deposit shall accept and review applications for linked deposit loans from eligible multitenant enterprises, eligible farming operations, **eligible alternative energy consumers**, eligible alternative energy operations, eligible locally owned businesses, eligible small businesses, eligible job enhancement businesses, eligible marketing enterprises, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible residential property developers, eligible residential property owners, **eligible governmental entities**, eligible student borrowers, eligible facility borrowers, and eligible water supply systems. An eligible residential property owner shall certify on his or her loan application that the reduced rate loan will be used exclusively to purchase, develop or rehabilitate a multifamily residential property. The lending institution shall apply all usual lending standards to determine the creditworthiness of each eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entities**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system. No linked deposit loan made to any **eligible multitenant development enterprise**, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible livestock operation, eligible agribusiness **eligible beginning farmer, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible student borrower, eligible water supply system**, or eligible small business shall exceed a dollar limit determined by the state treasurer in the state treasurer's best judgment, except as otherwise limited. Any link deposit loan made to an eligible facility borrower shall be in accordance with the loan amount and loan term requirements in section 30.860.

2. An eligible farming operation, small business or job enhancement business shall certify on its loan application that the reduced rate loan will be used exclusively for necessary production expenses or the expenses listed in subsection 2 of section 30.753 or the refinancing of an existing loan for production

expenses or the expenses listed in subsection 2 of section 30.753 of an eligible farming operation, small business or job enhancement business. Whoever knowingly makes a false statement concerning such application is guilty of a class A misdemeanor. An eligible water supply system shall certify on its loan application that the reduced rate loan shall be used exclusively to pay the costs of upgrading or repairing an existing water system, constructing a new water system, or making other capital improvements to a water system which are necessary to improve the service capacity of the system.

3. In considering which eligible farming operations should receive reduced-rate loans, the eligible lending institution shall give priority to those farming operations which have suffered reduced yields due to drought or other natural disasters and for which the receipt of a reduced-rate loan will make a significant contribution to the continued operation of the recipient farming operation.

4. The eligible financial institution shall forward to the state treasurer a linked deposit loan package, in the form and manner as prescribed by the state treasurer. The package shall include such information as required by the state treasurer, including the amount of each loan requested. The institution shall certify that each applicant is an **eligible multitenant development enterprise**, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, and shall, for each **eligible multitenant development enterprise**, eligible farming operation, **eligible alternative energy operation**, **eligible alternative energy consumer**, **eligible small business**, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, certify the present borrowing rate applicable.

5. The eligible lending institution shall be responsible for determining if a student borrower is an eligible student borrower. A student borrower shall be eligible for an initial or renewal reduced-rate loan only if, at the time of the application for the loan, the student is a citizen or permanent resident of the United States, a resident of the state of Missouri as defined by the coordinating board for higher education, is enrolled or has been accepted for enrollment in an eligible higher education institution, and establishes that the student has financial need. In considering which eligible student borrowers may receive reduced-rate loans, the eligible lending institution may give priority to those eligible student borrowers whose income, or whose family income, if the eligible student borrower is a dependent, is such that the eligible student borrower does not qualify for need-based student financial aid pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of 1986). The eligible lending institution shall require the eligible student borrower to document that the student has applied for and has obtained all need-based student financial aid for which the student is eligible prior to application for a reduced-rate loan pursuant to this section. In no case shall the combination of all financial aid awarded to any student in any particular enrollment period exceed the total cost of attendance at the institution in which the student is enrolled. No eligible lending institution shall charge any additional fees, including but not limited to an origination, service or insurance fee on any loan agreement under the provisions of sections 30.750 to 30.765.

6. The eligible lending institution making an initial loan to an eligible student borrower may make a renewal loan or loans to the student. The total of such reduced-rate loans from eligible lending institutions made pursuant to this section to any individual student shall not exceed the cumulative totals established

by 20 U.S.C. 1078, as amended. An eligible student borrower shall certify on his or her loan application that the reduced rate loan shall be used exclusively to pay the costs of tuition, incidental fees, books and academic supplies, room and board and other fees directly related to enrollment in an eligible higher education institution. The eligible lending institution shall make the loan payable to the eligible student borrower and the eligible higher education institution as co-payees. The method of repayment of the loan shall be the same as for repayment of loans made pursuant to sections 173.095 to 173.186, RSMo.

7. Beginning August 28, 2005, in considering which eligible multitenant **development** enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system should receive reduced-rate loans, the eligible lending institution shall give priority to an eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system that has not previously received a reduced-rate loan through the linked deposit program. However, nothing shall prohibit an eligible lending institution from making a reduced-rate loan to any entity that previously has received such a loan, if such entity otherwise qualifies for such a reduced-rate loan.

30.758. 1. The state treasurer may accept or reject a linked deposit loan package or any portion thereof.

2. The state treasurer shall make a good faith effort to ensure that the linked deposits are placed with eligible lending institutions to make linked deposit loans to minority- or female-owned eligible multitenant enterprises, eligible farming operations, eligible alternative energy operations, **eligible alternative energy consumers**, eligible locally owned businesses, eligible small businesses, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, **eligible governmental entities**, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible student borrowers, eligible facility borrowers, or eligible water supply systems. Results of such effort shall be included in the linked deposit review committee's annual report to the governor.

3. Upon acceptance of the linked deposit loan package or any portion thereof, the state treasurer may place linked deposits with the eligible lending institution as follows: when market rates are five percent or above, the state treasurer shall reduce the market rate by up to three percentage points to obtain the linked deposit rate; when market rates are less than five percent, the state treasurer shall reduce the market rate by up to sixty percent to obtain the linked deposit rate, provided that the linked deposit rate is not below one percent. All linked deposit rates are determined and calculated by the state treasurer. When necessary, the treasurer may place linked deposits prior to acceptance of a linked deposit loan package.

4. The eligible lending institution shall enter into a deposit agreement with the state treasurer, which shall include requirements necessary to carry out the purposes of sections 30.750 to 30.767. The deposit agreement shall specify the length of time for which the lending institution will lend funds upon receiving a linked deposit, and the original deposit plus renewals shall not exceed five years, except as otherwise

provided in this chapter. The agreement shall also include provisions for the linked deposit of a linked deposit for an eligible facility borrower, eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower or job enhancement business. Interest shall be paid at the times determined by the state treasurer.

5. The period of time for which such linked deposit is placed with an eligible lending institution shall be neither longer nor shorter than the period of time for which the linked deposit is used to provide loans at reduced interest rates. The agreement shall further provide that the state shall receive market interest rates on any linked deposit or any portion thereof for any period of time for which there is no corresponding linked deposit loan outstanding to an eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, except as otherwise provided in this subsection. Within thirty days after the annual anniversary date of the linked deposit, the eligible lending institution shall repay the state treasurer any linked deposit principal received from borrowers in the previous yearly period and thereafter repay such principal within thirty days of the yearly anniversary date calculated separately for each linked deposit loan, and repaid at the linked deposit rate. Such principal payment shall be accelerated when more than thirty percent of the linked deposit loan is repaid within a single monthly period. Any principal received and not repaid, up to the point of the thirty percent or more payment, shall be repaid within thirty days of that payment at the linked deposit rate. Finally, when the linked deposit is tied to a revolving line of credit agreement between the banking institution and its borrower, the full amount of the line of credit shall be excluded from the repayment provisions of this subsection.

30.760. 1. Upon the placement of a linked deposit with an eligible lending institution, such institution is required to lend such funds to each approved eligible multitenant enterprise, eligible farm operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system listed in the linked deposit loan package required by section 30.756 and in accordance with the deposit agreement required by section 30.758. The loan shall be at a fixed rate of interest reduced by the amount established under subsection 3 of section 30.758 to each eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system as determined pursuant to rules and regulations promulgated by the state treasurer under the provisions of chapter 536, RSMo, including emergency rules issued pursuant to section 536.025, RSMo. In addition, the loan agreement shall specify that the eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally

owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system shall use the proceeds as required by sections 30.750 to 30.765, and that in the event the loan recipient does not use the proceeds in the manner prescribed by sections 30.750 to 30.765, the remaining proceeds shall be immediately returned to the lending institution and that any proceeds used by the loan recipient shall be repaid to the lending institution as soon as practicable. All records and documents pertaining to the programs established by sections 30.750 to 30.765 shall be segregated by the lending institution for ease of identification and examination. A certification of compliance with this section in the form and manner as prescribed by the state treasurer shall be required of the eligible lending institution. Any lender or lending officer of an eligible lending institution who knowingly violates the provisions of sections 30.750 to 30.765 is guilty of a class A misdemeanor.

2. The state treasurer shall take any and all steps necessary to implement the linked deposit program and monitor compliance of eligible multitenant enterprises, eligible lending institutions, eligible farming operations, eligible alternative energy operations, **eligible alternative energy consumers**, eligible locally owned businesses, eligible small businesses, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, **eligible governmental entities**, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible facility borrowers, or eligible water supply systems.

30.765. The state and the state treasurer are not liable to any eligible lending institution in any manner for payment of the principal or interest on the loan to an eligible multitenant enterprise, eligible farm operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system. Any delay in payments or default on the part of an eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system does not in any manner affect the deposit agreement between the eligible lending institution and the state treasurer.

135.403. 1. Any investor who makes a qualified investment in a Missouri small business shall be entitled to receive a tax credit equal to forty percent of the amount of the investment or, in the case of a qualified investment in a Missouri small business in a distressed community as defined by section 135.530, a credit equal to sixty percent of the amount of the investment, and any investor who makes a qualified investment in a community bank or a community development corporation shall be entitled to receive a tax credit equal to fifty percent of the amount of the investment if the investment is made in a community bank or community development corporation for direct investment. The total amount of tax credits available for qualified investments in Missouri small businesses shall not exceed [thirteen] **thirty** million dollars **and at least twenty million dollars of the amount authorized by this section and certified by the department of economic development shall be for Missouri small businesses involved in the manufacture of**



**alternative power generation equipment** and at least four million dollars of the amount authorized by this section and certified by the department of economic development shall be for investment in Missouri small businesses in distressed communities. Authorization for all or any part of this four-million-dollar amount shall in no way restrict the eligibility of Missouri small businesses in distressed communities, as defined in section 135.530, for the remaining amounts authorized within this section. No more than twenty percent of the tax credits available each year for investments in community banks or community development corporations for direct investment shall be certified for any one project, as defined in section 135.400. The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 135.400 to 135.430 and may be used to satisfy the state tax liability of the owner of the certificate that becomes due in the tax year in which the qualified investment is made, or in any of the ten tax years thereafter. When the qualified small business is in a distressed community, as defined in section 135.530, the tax credit may also be used to satisfy the state tax liability of the owner of the certificate that was due during each of the previous three years in addition to the year in which the investment is made and any of the ten years thereafter. No investor may receive a tax credit pursuant to sections 135.400 to 135.430 unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability. The department of revenue shall grant tax credits in the same order as established by subsection 1 of section 32.115, RSMo. Subject to the provisions of sections 135.400 to 135.430, certificates of tax credit issued in accordance with these sections may be transferred, sold or assigned by notarized endorsement thereof which names the transferee.

2. Five hundred thousand dollars in tax credits shall be available annually from the total amount of tax credits authorized by section 32.110, RSMo, and subdivision (4) of subsection 2 of section 32.115, RSMo, as a result of investments in community banks or community development corporations. Aggregate investments eligible for tax credits in any one Missouri small business shall not be more than one million dollars. Aggregate investments eligible for tax credits in any one Missouri small business shall not be less than five thousand dollars as of the date of issuance of the first tax credit certificate for investment in that business.

3. This section and section 620.1039, RSMo, shall become effective January 1, 2001.; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 265**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 152**, entitled:

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to the nursing student loan program.

In which the concurrence of the Senate is respectfully requested.

**HOUSE BILLS ON THIRD READING**

**HB 116**, introduced by Representative Hoskins (80), entitled:

An Act to repeal sections 565.081, 565.082, 565.083, and 565.084, RSMo, and to enact in lieu thereof four new sections relating to assault of a law enforcement officer, emergency personnel, probation and parole officer, transit operator, or an employee of mass transit systems while on duty or in operation of their official vehicle, with penalty provisions.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **HB 116** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 250**, with **SCS**, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to use of public lands.

Was taken up by Senator Scott.

**SCS** for **HCS** for **HB 250**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 250

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to use of public lands.

Was taken up.

Senator Scott moved that **SCS** for **HCS** for **HB 250** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 250, Page 1, In the Title, Line 3, by striking the following: “public lands” and inserting in lieu thereof the following: “land”; and

Further amend said bill and page, section 8.890, line 11, by inserting after all of said line the following:

“278.070. As used in sections 278.060 to 278.300, the following words and terms mean:

(1) “Board of soil and water district supervisors” or “soil and water supervisors”, the local governing body of a soil and water district, elected or appointed in accordance with the provisions of this law;

(2) “Land representative”, the owner or representative authorized by power of attorney of any farm lying within any area proposed to be established, and subsequently established, as a soil and water district under the provisions of this law, and for the purposes of [this law] **sections 278.060 to 278.155** each such farm shall be entitled to representation by a land representative; provided, however, that any land representative must be a taxpayer of the county within which the soil and water district is located;

(3) “Landowner”, any person, firm or corporation who holds title to any lands lying within a district organized or to be organized under the provisions of this chapter. Any landowner may be represented by notarized proxy not more than one year old;

(4) “Soil and water conservation cost-share program”, a state-funded incentive program designed for the purpose of saving the soil **and protecting the water resources** of the state [through erosion control and abatement] **to preserve the productive power of Missouri agricultural land;**

(5) “Soil and water conservation district” or “soil and water district”, a county or one or more of its townships wherein a project for saving the soil and water has been established with the authority and duty and subject to the restrictions herein set forth; and in establishing a soil and water district, if the proposed area is less than the area of the county which contains it, but greater than the area of one township, the additional township or townships to be included in such soil and water district need not be contiguous with the first township or with one another, but there shall be only one soil and water district within the boundaries of the same county; and any farm intersected by a soil and water district boundary shall be considered as lying within that district for purposes of soil and water conservation by that district, except that the soil and water conservation of a farm which lies partly within one soil and water district and partly within another shall be considered the duty of the soil and water district in which the home buildings of such farm are located;

(6) “State soil and water districts commission” or “soil and water commission”, the agency created by section 278.080 for the administration of the soil and water conservation districts provided for by [this law] **sections 278.060 to 278.155;**

(7) “Subdistrict”, “watershed”, or “watershed district”, as used in sections 278.160 to 278.300, a watershed district, with the exception of section 278.160, whereby subdistrict is specifically used to describe the relationship to an established soil and water conservation district or districts that may be established as a watershed district;

(8) “Township”, municipal township and not congressional or survey township.

Section B. Because of the need to preserve the productive power of Missouri agricultural land, the repeal and reenactment of section 278.070 of this act is deemed necessary for the immediate preservation of the

public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 278.070 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **HCS** for **HB 250**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HCS** for **HB 250**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Crowell—1

Absent—Senator Stouffer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senator Crowell—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 216**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 216

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 216, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 216, as amended;
2. That the Senate Committee Substitute for Senate Bill No. 216, be Third Read and Finally Passed.

#### FOR THE SENATE:

/s/ Delbert Scott

/s/ Jane Cunningham

/s/ Jason Crowell

/s/ Jolie Justus

/s/ Frank A. Barnitz

#### FOR THE HOUSE:

/s/ Mike Cunningham

/s/ Donald Wells

/s/ Scott Largent

/s/ Jason Grill

/s/ Al Liese

Senator Scott moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

#### NAYS—Senators—None

#### Absent—Senators—None

#### Absent with leave—Senators—None

#### Vacancies—None

On motion of Senator Scott, **SCS** for **SB 216** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Lembke, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 435** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 435

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 435, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 435;
2. The Senate recede from its position on Senate Bill No. 435;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 435, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ James A. Lembke

/s/ Jason Crowell

/s/ Bill Stouffer

/s/ Wes Shoemyer

/s/ Ryan McKenna

FOR THE HOUSE:

/s/ Dan W. Brown

/s/ Marilyn Ruestman

/s/ Mike N. McGhee

/s/ Paul Quinn

/s/ Tom Todd

Senator Lembke moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

## NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Lembke, **CCS** for **HCS** for **SB 435**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 435

An Act to repeal sections 630.110, 630.407, 632.489, and 632.495, RSMo, and to enact in lieu thereof four new sections relating to the department of mental health.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

## NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Clemens moved that **SCS** for **SB 153**, with **HA 1**, **HA 2** and **HA 3**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Clemens moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

**HA 2** was taken up.

Senator Clemens moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green                Scott—2

Absent with leave—Senators—None

Vacancies—None

**HA 3** was taken up.

Senator Clemens moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32



NAYS—Senators—None

Absent—Senators

Green                Scott—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Clemens **SCS** for **SB 153**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green                Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Clemens moved that **SCS** for **SB 152**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 152**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 152

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to the nursing student loan program.

Was taken up.

Senator Clemens moved that **HCS** for **SCS** for **SB 152** be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Clemens, **HCS** for **SCS** for **SB 152** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Schaefer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 539**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

**MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

May 13, 2009

**To the Senate of the 95th General Assembly of the State of Missouri:**

I hereby withdraw from your consideration the following appointments to office made and submitted to you for your advice and consent:

Joseph P. Bindbeutel, 1701 East Gans Road, Columbia, Boone County, Missouri 65201, as a member of the Public Service Commission, for a term ending April 28, 2015, and until his successor is duly appointed and qualified; vice, Connie Murray, term expired.

Gregory A. Hayden, Democrat, 6330 Bluff Forest Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, Loren Cook, term expired.

Thomas G. Heinsz, Democrat, 2711 Fairway Estates Drive, Wentzville, Saint Charles County, Missouri 63385, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, William Luetkenhaus, resigned.

Julie L. Kempker, Democrat, 12923 Eagle Ridge Road, Holts Summit, Callaway County, Missouri 65403, as a member of the Board of Probation and Parole, for a term ending April 25, 2015, and until her successor is duly appointed and qualified; vice, Robert Robinson, term expired.

Charlie Jo Ledgerwood, 706 Black Jack Drive, Cassville, Barry County, Missouri 65625, as a member of the Safe Drinking Water Commission, for a term ending September 01, 2012, and until her successor is duly appointed and qualified; vice, Randall Moore, withdrawn.

Tammy P. Long, 302 West Wimer, Knob Noster, Johnson County, Missouri 65336, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2010 and until her successor is duly appointed and qualified; vice, RSMo 208.856.

Marcie A. Luebbert, 1521 East Walnut Street, Apartment A, Columbia, Boone County, Missouri 65201, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2011, and until her successor is duly appointed and qualified; vice, RSMo 208.856.

Rebeka R. McIntosh, 4015 South Forest Avenue, Independence, Jackson County, Missouri 64052, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2012, and until her successor is duly appointed and qualified; vice, Maria I. Gomez, term expired.

Juan M. Samaniego, 7530 Milan, Saint Louis, Saint Louis County, Missouri 63130, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2010 and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Cathy Steele, 1006 Orchard Lakes Drive, Saint Louis, Saint Louis County, Missouri 63146, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2011, and until her successor is duly appointed and qualified; vice, Mary Ireland, term expired.

John J. Temporiti, Democrat, 5413 Kenrick Parke Drive, Saint Louis, Saint Louis County, Missouri 63119, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, James B. Anderson, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields moved that the above appointments be returned to Governor per his request, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SS** for **HCS** for **HB 154**, as amended, and has taken up and passed **CCS No. 2** for **SS** for **HCS** for **HB 154**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 464**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 464**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 62**, as amended, and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 734**, as amended, and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **HB 246**, as amended, and has taken up and passed **CCS** for **HCS** for **HB 246**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 386**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 44**, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 26**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 577**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

#### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 386**, as amended: Senators Lager, Griesheimer, Pearce, Callahan and Days.

#### **PRIVILEGED MOTIONS**

Senator Crowell moved that the Senate refuse to concur in **HCS No. 2** for **SB 114**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Pearce moved that the conferees on **HCS** for **SCS** for **SB 44** be allowed to exceed the differences by removing subsection 7 of section 221.097 from the bill, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 361**, entitled:

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof two new sections relating to noncompliance with the federal REAL ID Act of 2005.

Was taken up by Senator Purgason.

Senator Shields offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 361, Page 5, Section 302.183, Line 44, by inserting immediately after said line the following:

**“Section 1. Sections 302.171 and 302.183 shall be collectively known as the “The Nellie Belle Memorial Act.”; and**

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

At the request of Senator Shields, **SA 1** was withdrawn.

On motion of Senator Purgason, **HCS** for **HB 361** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

#### NAYS—Senators—None

#### Absent—Senators

Schmitt          Scott—2

#### Absent with leave—Senators—None

#### Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **PRIVILEGED MOTIONS**

Senator Rupp moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 577**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Lager moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 734**, as amended, and grant the House a conference thereon, which motion prevailed.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 386**, as amended. Representatives: Brown (30), Yates, Diehl, Skaggs and Hummel.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 262**, as amended, and grants the Senate a conference thereon.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 262**, as amended: Senators Bartle, Schaefer, Goodman, Callahan and Justus.

On motion of Senator Engler, the Senate recessed until 7:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 26**, as amended. Representatives: Nolte, Lipke, Jones (117), Roorda and Morris.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 44**. Representatives: Hoskins (121), Guernsey, Jones (117), Quinn and Todd.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **SB 485**, entitled:

An Act to repeal sections 53.010, 60.010, 78.090, 105.966, 115.305, 115.350, 115.601, 115.635, 115.637, 130.021, 137.073, RSMo, and section 115.348 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353, ninety-third general assembly, first regular session, and section 115.348 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session, and to enact in lieu thereof thirteen new sections relating to elections, with penalty provisions and an emergency clause for a certain section.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment Nos. 3, 4, 5, 6, 7 and 8.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 485, Section 60.010, Page 3, Line 24, by inserting the following after all of said line:

“67.456. 1. The average maturity of bonds or notes issued under the neighborhood improvement district act after August 28, 2004, shall not exceed one hundred twenty percent of the average economic life of the improvements for which the bonds or notes are issued.

2. Any improvement for which a petition is filed or an election is held under section 67.457 after August 28, 2004, including improvements to or located on property owned by a city or county, shall include provisions for maintenance of the project during the term of the bonds or notes.

3. In the event that, after August 28, 2004, any parcel of property within the neighborhood improvement district is divided into more than one parcel of property after the final costs of the improvement are assessed, all unpaid final costs of the improvement assessed to the original parcel that was divided [shall be recalculated and] **may, within sixty days after recordation of proof of division of such parcel in the real property records of the county or city not within a county where the district is located, be reallocated effective as of the next ensuing January first following such division, but only as to the newly created parcels, by the city or county that formed the district. Such reallocation shall be in accordance with the method for assessment of the original parcel set forth in the ballot question or petition related to the formation of the district described in section 67.457, with such amounts to be certified to the county clerk and county collector, or the equivalent officers in a city not within a county, and which amounts shall be used for reassessment of the newly created parcels. If the city or county that formed the district does not reallocate the assessments on the newly created parcels in accordance with the original method of assessment and certify such information to the county clerk and county collector, or the equivalent officers in a city not within a county, within sixty days of recordation of proof of the division of the original parcel, the unpaid cost of the improvements assessed to the original parcel that was divided shall be reassessed proportionally to each of the parcels resulting from the division of the original parcel, based on the assessed valuation of each resulting parcel. No parcel of property which has had the assessment against it paid in full by the property owner shall be reassessed under this section. No parcel of property shall have the initial assessment against it changed, except for any changes for special, supplemental, or additional assessments authorized under the state neighborhood improvement district act.**

67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the “Community Improvement District Act”.

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) “Approval” or “approve”, for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) “Assessed value”, the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) “Blighted area”, an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

(4) “Board”, if the district is a political subdivision, the board of directors of the district, or if the district is a not-for-profit corporation, the board of directors of such corporation;

(5) “Director of revenue”, the director of the department of revenue of the state of Missouri;

(6) “District”, a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) “Election authority”, the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115, RSMo;

(8) “Municipal clerk”, the clerk of the municipality;

(9) “Municipality”, any city, village, incorporated town, or county of this state, or in any unincorporated area that is located in any county with a charter form of government and with more than one million inhabitants;

(10) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) “Owner”, for real property, the individual or individuals or entity or entities who own a fee interest in real property that is located within the district or their legally authorized representative **or representatives**; for business organizations and other entities, the owner shall be deemed to be the individual **or individuals** which [is] **are** legally authorized to represent the entity in regard to the district; **in the case of real property owned by individuals or entities as joint tenants, tenants in common, tenants by the entirety, or tenants in partnership, such joint tenants, tenants in common, tenants by the entirety, or tenants in partnership shall be considered one owner collectively for purposes of any vote cast or petition executed;**

(12) “Per capita”, one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety, tenants in partnership, except that with respect to a condominium created under sections 448.1-101 to



448.4-120, RSMo, “per capita” means one head count applied to the applicable unit owners’ association and not to each unit owner;

(13) “Petition”, a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) “Qualified voters”,

(a) For purposes of elections for approval of real property taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property which is to be subject to such real property taxes and is located within the district per the [tax] **real estate** records [for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county] **of the recorder of deeds where the district is located**, as of the thirtieth day prior to the date of the applicable election;

(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the [tax] **real estate** records [for real property of the county clerk] **of the recorder of deeds where the district is located** as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board[,]:

a. Registered voters [and]; **or**

**b. If no registered voters reside in the district, the owners of one or more parcels of real property [which is not exempt from assessment or levy of taxes by the district and which is] located within the district per the [tax] real estate records [for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county] of the recorder of deeds where the district is located, of the thirtieth day prior to the date of the applicable election; and**

**(d) Provided that, for the purposes of any election, each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an applicable mechanism for action for such voter. If a voter has no such mechanism, then its vote shall be cast by agreement of such individuals or entities as would be required under applicable law to convey by deed the entire parcel of property owned;**

(15) “Registered voters”, persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.

67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.

2. A petition is proper if, based on the [tax] **real estate** records of the [county clerk, or the collector of revenue if the district is located in a city not within a county] **recorder of deeds where the district is located**, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value, **as reflected by the tax records of the county where the proposed district is located**, of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

(a) The legal description of the proposed district, including a map illustrating the district boundaries;

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

(d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred;

(e) A statement as to whether the district will be a political subdivision or a not for profit corporation and if it is to be a not for profit corporation, the name of the not for profit corporation;

(f) If the district is to be a political subdivision, a statement as to whether the district will be governed by a board elected by the **qualified voters in the** district or whether the board will be appointed by the municipality, and, if the board is to be elected by the **qualified voters in the** district, the names and terms of the initial board may be stated;

(g) If the district is to be a political subdivision, the number of directors to serve on the board;

(h) The total assessed value, **as reflected by the tax records of the county where the proposed district is located**, of all real property within the proposed district;

(i) A statement as to whether the petitioners are seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;

(j) The proposed length of time for the existence of the district;

(k) The maximum rates of real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, that may be submitted to the qualified voters for approval;

(l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;

(m) The limitations, if any, on the borrowing capacity of the district;

(n) The limitations, if any, on the revenue generation of the district;

(o) Other limitations, if any, on the powers of the district;

(p) A request that the district be established; and

(q) Any other items the petitioners deem appropriate; and

(4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information:

Name of owner: .....

Owner's telephone number and mailing address: .....

If signer is different from owner:

Name of signer: ..... State basis of legal authority to sign: .....

Signer's telephone number and mailing address: .....

If the owner is an individual, state if owner is single or married: .....

If owner is not an individual, state what type of entity: ....

Map and parcel number and assessed value of each tract of real property within the proposed district owned:

.....

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

.....

Signature of person signing for owner    Date

STATE OF MISSOURI )

) ss.

COUNTY OF .... )

Before me personally appeared ....., to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this ..... day of ..... (month), ..... (year).

.....

Notary Public

My Commission Expires: .....

3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to exceed ninety days after receipt of the petition, review and determine whether the petition substantially complies with the requirements of subsection 2 of this section. In the event the municipal clerk receives a petition which does not meet the requirements of subsection 2 of this section, the municipal clerk shall, within a reasonable time, return the petition to the submitting party by hand delivery, first class mail, postage prepaid or other efficient means of return and shall specify which requirements have not been met.

4. After the close of the public hearing required pursuant to subsection 1 of this section, the governing body of the municipality may adopt an ordinance approving the petition and establishing a district as set forth in the petition and may determine, if requested in the petition, whether the district, or any legally described portion thereof, constitutes a blighted area.

5. Amendments to a petition may be made which do not change the proposed boundaries of the proposed district if an amended petition meeting the requirements of subsection 2 of this section is filed with the municipal clerk at the following times and the following requirements have been met:

(1) At any time prior to the close of the public hearing required pursuant to subsection 1 of this section; provided that, notice of the contents of the amended petition is given at the public hearing;

(2) At any time after the public hearing and prior to the adoption of an ordinance establishing the proposed district; provided that, notice of the amendments to the petition is given by publishing the notice in a newspaper of general circulation within the municipality and by sending the notice via registered certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district per the [tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county] **real estate records of the recorder of deeds where the district is located as of a date no earlier than thirty days prior to the mailing.** Such notice shall be published and mailed not less than ten days prior to the adoption of the ordinance establishing the district;

(3) At any time after the adoption of any ordinance establishing the district a public hearing on the amended petition is held and notice of the public hearing is given in the manner provided in section 67.1431 and the governing body of the municipality in which the district is located adopts an ordinance approving the amended petition after the public hearing is held.

6. Upon the creation of a district, the municipal clerk shall report in writing the creation of such district to the Missouri department of economic development.

67.1451. 1. If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with chapter 355, RSMo.

2. The district shall be governed by a board consisting of at least five but not more than thirty directors. Each director shall, during his or her entire term, be:

(1) At least eighteen years of age; and

(2) Be either:

(a) An owner, as defined in section 67.1401, of real property or of a business operating within the district; or

(b) A registered voter residing within the district; and

(3) Any other qualifications set forth in the petition establishing the district. If there are fewer than five owners of real property located within a district, the board may be comprised of up to five legally authorized representatives of any of the owners of real property located within the district **or of any of the businesses operating within the district.**

3. If the district is a political subdivision, the board shall be elected or appointed, as provided in the petition.

4. If the board is to be elected, the procedure for election shall be as follows:

(1) The municipal clerk shall specify a date on which the election shall occur which date shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

(2) The election shall be conducted in the same manner as provided for in section 67.1551, provided that

the published notice of the election shall contain the information required by section 67.1551 for published notices, except that it shall state that the purpose of the election is for the election of directors, in lieu of the information related to taxes;

(3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than the second Tuesday after the effective date of the ordinance establishing the district with the municipal clerk a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(4) The director or directors to be elected shall be elected at large. The person receiving the most votes shall be elected to the position having the longest term; the person receiving the second highest votes shall be elected to the position having the next longest term and so forth. For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for a two-year term, one-half shall serve for a four-year term and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected. For any district formed on or after August 28, 2003, for the initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected, **provided that if the terms of directors cannot be divided in accordance with this section because such directors received the same number of votes, the directors serving two- and four-year terms shall be designated either:**

**(a) By a majority vote of directors at the first meeting thereof; or**

**(b) If not determined under paragraph (a) of this subdivision, then thereafter by lot conducted by the election authority, after notification to the candidates of the time and place of such drawing;**

(5) Successor directors shall be elected in the same manner as the initial directors. The date of the election of successor directors shall be specified by the municipal clerk which date shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the expiring director. **If no registered voters reside in the district, then in lieu of the election referenced in this subsection, successor directors may be elected by the qualified voters at a meeting of the qualified voters called by the board for such purpose. For the purposes of such meeting, qualified voters may participate and vote by proxy or in any manner permitted by chapter 610, RSMo. If a qualified voter is participating in the meeting by proxy, the proxy shall be granted in writing and filed with the board of directors of the district at the meeting. At any such meeting, attendance by qualified voters owning in the aggregate more than fifty percent of the total acreage owned by qualified voters shall constitute a quorum. Each qualified voter shall be entitled to one vote per acre, prorated to the nearest one-tenth of an acre.** Each successor director shall serve a term for the length specified prior to the election by the **qualified voters of the district**, which term shall be at least three years and not more than four years, and shall continue until such director's successor is elected. In the event of a vacancy on the board of directors, the remaining directors shall elect an interim director to fill the vacancy for the unexpired term.

5. If the petition provides that the board is to be appointed by the municipality, such appointments shall be made by the chief elected officer of the municipality with the consent of the governing body of the municipality. For any district formed prior to August 28, 2003, of the initial appointed directors, one-half of the directors shall be appointed to serve for a two-year term and the remaining one-half shall be appointed to serve for a four-year term until such director's successor is appointed; provided that, if there is an odd

number of directors, the last person appointed shall serve a two-year term. For any district formed on or after August 28, 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term, and one-half shall be appointed to serve for the term specified by the district for successor directors pursuant to this subsection, and if an odd number of directors are appointed, the last person appointed shall serve for a two-year term; provided that each director shall serve until such director's successor is appointed. Successor directors shall be appointed in the same manner as the initial directors and shall serve for a term of years specified by the district prior to the appointment, which term shall be at least three years and not more than four years.

6. If the petition states the names of the initial directors, those directors shall serve for the terms specified in the petition and successor directors shall be determined either by the above-listed election process or appointment process as provided in the petition.

7. Any director may be removed for cause by a two-thirds affirmative vote of the directors of the board. Written notice of the proposed removal shall be given to all directors prior to action thereon.

8. The board is authorized to act on behalf of the district, subject to approval of qualified voters as required in this section; except that, all official acts of the board shall be by written resolution approved by the board.

67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property [within its boundaries], personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand,

as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

(13) To loan money as provided in sections 67.1401 to 67.1571;

(14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

(15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance [within the boundaries of the district] including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

(16) [Within its boundaries,] To provide assistance to or to construct, reconstruct, install, repair, maintain, **operate**, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees, and any other landscape;

(c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;

(e) Parking lots, garages, or other facilities;

(f) Lakes, dams, and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;

(i) Paintings, murals, display cases, sculptures, and fountains;

(j) Music, news, and child-care facilities; and

(k) Any other useful, necessary, or desired improvement;

(17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;

(18) [Within its boundaries and] With the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;

(19) [Within its boundaries,] To **acquire**, operate, **construct**, **improve**, or to contract for the provision of music, news, child-care, or parking facilities[, and buses, minibuses, or other modes of transportation];

(20) **To acquire, operate, or to contract for the provision of buses, minibuses, or other modes of transportation;**

(21) Within its boundaries, to lease space for sidewalk café tables and chairs;

[(21) Within its boundaries,] (22) To provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons **within the boundaries of the district;**

[(22)] (23) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property;

[(23)] (24) To produce and promote any tourism, recreational or cultural activity or special event [in] **benefiting** the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;

[(24)] (25) To support business activity and economic development [in] **benefiting** the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

[(25)] (26) To provide or support training programs for employees of businesses within the district;

[(26)] (27) To provide refuse collection and disposal services within the district;

[(27)] (28) To contract for or conduct economic, planning, marketing or other studies;

[(28)] (29) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and

[(29)] (30) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to **acquire property and to** demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned **or to be owned** by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign



right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

67.1521. 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district **which is to be subject to special assessments**; and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district **which is to be subject to special assessments**.

2. The special assessment petition shall be in substantially the following form:

The ..... (insert name of district) Community Improvement District ("District") shall be authorized to levy special assessments against real property benefited within the District for the purpose of providing revenue for ..... (insert general description of specific service and/or projects) in the district, such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by ..... (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed ..... dollars per (insert unit of measure). Such authorization to levy the special assessment shall expire on ..... (insert date). The tracts of land located in the district which will receive special benefit from this service and/or projects are: ..... (list of properties by common addresses and legal descriptions).

3. The method for allocating such special assessments set forth in the petition may be any reasonable method which results in imposing assessments upon real property benefited in relation to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to provide such benefit.

4. By resolution of the board, the district may levy a special assessment rate lower than the rate ceiling set forth in the petition authorizing the special assessment and may increase such lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth in the petition without further approval of the real property owners; provided that a district imposing a special assessment pursuant to this section may not repeal or amend such special assessment or lower the rate of such special assessment if such repeal, amendment or lower rate will impair the district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations that it has issued.

5. Each special assessment which is due and owing shall constitute a perpetual lien against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the same manner as any other special assessment lien as provided in section 88.861, RSMo.

6. A separate fund or account shall be created by the district for each special assessment levied and each

fund or account shall be identifiable by a suitable title. The proceeds of such assessments shall be credited to such fund or account. Such fund or account shall be used solely to pay the costs incurred in undertaking the specified service or project.

7. Upon completion of the specified service or project or both, the balance remaining in the fund or account established for such specified service or project or both shall be returned or credited against the amount of the original assessment of each parcel of property pro rata based on the method of assessment of such special assessment.

8. Any funds in a fund or account created pursuant to this section which are not needed for current expenditures may be invested by the board in accordance with applicable laws relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812, RSMo, shall not apply to any district.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by [mail-in ballot,] **any method specified in subsection 3 or 11 of this section**, a proposal to authorize a sales and use tax pursuant to this section. **In the case of an election**, if a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted[.], **and** if a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the ..... (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of the purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

**3. Upon passage of the resolution described in subsection 1 of this section, in lieu of the election referenced in subsection 1 of this section, if no registered voters reside within the district, one hundred percent of the owners of real property in the district, according to real estate records of the recorder of deeds where the district is located as of the date of the submission of the petition to the board of directors of such district as described in this subsection, may authorize a sales and use tax by unanimous petition. Such petition shall state that the undersigned approve the resolution of the board imposing the sales tax. The signature block for each owner signing the petition shall be in**

**substantially the form set forth in subdivision (4) of subsection 2 of section 67.1421 and shall contain the same information. Such petition shall be submitted to the board of directors of the district who shall verify that no registered voters reside within the district and the signatures thereon represent one hundred percent of the owners of real property in the district. The results of such verification shall be entered into the records of the district, and the date of such entry shall be equivalent of the date of the election held under subsection 1 of this section.**

**4.** Within ten days after the qualified voters have approved the imposition of the sales and use tax, **or within ten days after district verification as provided in subsection 3 of this section**, the district shall, in accordance with section 32.087, RSMo, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

[4.] **5.** The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087, RSMo.

[5.] **6.** In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

[6.] **7.** In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285, RSMo.

[7.] **8.** The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.

[8.] **9.** All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

[9.] **10.** A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

[10.] **11.** Notwithstanding the provisions of [chapter 115, RSMo, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section] **sections 115.001 to 115.641, RSMo, the district may elect to proceed with the election under the provisions of sections 115.001 to 115.646, RSMo, or sections 115.650 to 115.660, RSMo, whether or not registered voters reside within the district.**

67.1551. 1. Notwithstanding the provisions of chapter 115, RSMo, an election for real estate tax pursuant to sections 67.1401 to 67.1571 shall be conducted in accordance with the provisions of this section.

2. After the board has passed a resolution for the levy of real property tax and a vote of the qualified voters is required, the board shall provide written notice of such resolution to the election authority. The board shall be entitled to rescind such resolution provided that written notice of such rescission is delivered to the election authority prior to the time the election authority mails the ballots to the qualified voters.

3. Upon receipt of written notice of a district's resolution for the levy of a real property tax the election authority shall:

(1) Specify a date upon which the election shall occur which date shall be a Tuesday, and shall be not earlier than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date of the board's passage of the resolution and shall not be on the same day as an election conducted pursuant to the provisions of chapter 115, RSMo;

(2) Publish notice of the election in a newspaper of general circulation within the municipality two times. The first publication date shall be more than sixty days prior to the date of the election and the second publication date shall be not more than thirty days and not less than ten days prior to the date of the election. The published notice shall include, but not be limited to, the following information:

- (a) The name and general boundaries of the district;
- (b) The type of tax proposed, its rate, purpose and duration;
- (c) The date the ballots for the election shall be mailed to qualified voters;
- (d) The date of the election;
- (e) Qualified voters will consist of:

a. Such persons who reside within the district and who are registered voters pursuant to the records of the election authority as of the thirtieth day prior to the date of the election; or

b. If no such registered voters reside in the district, the owners of real property located within the district [pursuant to the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county] **per the real estate records of the recorder of deeds where the district is located**, for real property as of the thirtieth day prior to the date of the election;

(f) A statement that persons residing in the district shall register to vote with the election authority on or before the thirtieth day prior to the date of the election in order to be a qualified voter for purposes of the election;

(g) A statement that the ballot must be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked, not later than the date of the election; and

(h) A statement that any qualified voter that did not receive a ballot in the mail or lost the ballot received in the mail may pick up a mail-in ballot at the election authority's office, specifying the dates and time such ballot will be available and the location of the election authority's office;

(3) The election authority shall mail to each qualified voter not more than fifteen days and not less than ten days prior to the date of the election together with a notice containing substantially the same information as the published notice and a return addressed envelope directed to the election authority's office with a sworn affidavit on the reverse side of such envelope for the qualified voter's signature. For purposes of mailing ballots to real property owners only one ballot shall be mailed per capita at the address shown on

the records of the county clerk, or the collector of revenue if the district is located in a city not within a county. Such affidavit shall be in substantially the following form: FOR REGISTERED VOTERS:

I hereby declare under penalties of perjury that I reside in the ..... (insert name) Community Improvement District and I am a registered voter and qualified to vote in this election.

.....

Qualified Voter's Signature

.....

Printed Name of Qualified Voter

FOR REAL PROPERTY OWNERS:

I hereby declare under penalty of perjury that I am the owner of real property in the ..... (insert name) Community Improvement District and qualified to vote in this election, or authorized to affix my signature on behalf of the owner (named below) of real property in the ..... (insert name) Community Improvement District which is qualified to vote in this election.

.....

Signature

.....

Print Name of Real Property Owner

If Signer is Different from Owner:

Name of Signer: ..... State Basis of Legal Authority to Sign: ..... All persons or entities having a fee ownership in the property shall sign the ballot. Additional signature pages may be affixed to this ballot to accommodate all required signatures.

4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the authorized signature.

5. Mail-in ballots shall be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked, no later than the date of the election. The election authority shall transmit all voted ballots to a team of judges of not less than four, with an equal number from each of the two major political parties. The judges shall be selected by the municipal clerk from lists compiled by the election authority. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the election authority. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115, RSMo.

6. The results of the election shall be entered upon the records of the election authority and a certified copy of the election results shall be filed with the municipal clerk, who shall cause the same to be entered upon the records of the municipal clerk.

7. The district shall reimburse the election authority for the costs it incurs to conduct an election under this section.”; and

Further amend said Substitute, Section 78.090, Page 3, Line 22, by inserting the following after all of said line:

“99.865. 1. Each year the governing body of the municipality, or its designee, shall prepare a report concerning the status of each redevelopment plan and redevelopment project, and shall submit a copy of such report to the director of the department of economic development. The report shall include the following:

- (1) The amount and source of revenue in the special allocation fund;
- (2) The amount and purpose of expenditures from the special allocation fund;
- (3) The amount of any pledge of revenues, including principal and interest on any outstanding bonded indebtedness;
- (4) The original assessed value of the redevelopment project;
- (5) The assessed valuation added to the redevelopment project;
- (6) Payments made in lieu of taxes received and expended;
- (7) The economic activity taxes generated within the redevelopment area in the calendar year prior to the approval of the redevelopment plan, to include a separate entry for the state sales tax revenue base for the redevelopment area or the state income tax withheld by employers on behalf of existing employees in the redevelopment area prior to the redevelopment plan;
- (8) The economic activity taxes generated within the redevelopment area after the approval of the redevelopment plan, to include a separate entry for the increase in state sales tax revenues for the redevelopment area or the increase in state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;
- (9) Reports on contracts made incident to the implementation and furtherance of a redevelopment plan or project;
- (10) A copy of any redevelopment plan, which shall include the required findings and cost-benefit analysis pursuant to subdivisions (1) to (6) of section 99.810;
- (11) The cost of any property acquired, disposed of, rehabilitated, reconstructed, repaired or remodeled;
- (12) The number of parcels acquired by or through initiation of eminent domain proceedings; and
- (13) Any additional information the municipality deems necessary.

2. Data contained in the report mandated pursuant to the provisions of subsection 1 of this section and any information regarding amounts disbursed to municipalities pursuant to the provisions of section 99.845 shall be deemed a public record, as defined in section 610.010, RSMo. An annual statement showing the payments made in lieu of taxes received and expended in that year, the status of the redevelopment plan and projects therein, amount of outstanding bonded indebtedness and any additional information the municipality deems necessary shall be published in a newspaper of general circulation in the municipality.

3. Five years after the establishment of a redevelopment plan and every five years thereafter the governing body shall hold a public hearing regarding those redevelopment plans and projects created pursuant to sections 99.800 to 99.865. The purpose of the hearing shall be to determine if the redevelopment project is making satisfactory progress under the proposed time schedule contained within the approved

plans for completion of such projects. Notice of such public hearing shall be given in a newspaper of general circulation in the area served by the commission once each week for four weeks immediately prior to the hearing.

4. The director of the department of economic development shall submit a report to the **state auditor, the speaker of the house of representatives and the president pro tem of the senate** no later than February first of each year. The report shall contain a summary of all information received by the director pursuant to this section.

5. For the purpose of coordinating all tax increment financing projects using new state revenues, the director of the department of economic development may promulgate rules and regulations to ensure compliance with this section. Such rules and regulations may include methods for enumerating all of the municipalities which have established commissions pursuant to section 99.820. No rule or portion of a rule promulgated under the authority of sections 99.800 to 99.865 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. The department of economic development shall provide information and technical assistance, as requested by any municipality, on the requirements of sections 99.800 to 99.865. Such information and technical assistance shall be provided in the form of a manual, written in an easy-to-follow manner, and through consultations with departmental staff.

**7. Any municipality which fails to comply with the reporting requirements provided in this section shall be prohibited from implementing any new tax increment finance project for a period of no less than five years from such municipality's failure to comply.**

**8. Based upon the information provided in the reports required under the provisions of this section, the state auditor shall make available for public inspection on the auditor's web site, a searchable electronic database of such municipal tax increment finance reports. All information contained within such database shall be maintained for a period of no less than ten years from initial posting.**

105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) "Governing body", the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) "Political subdivision", any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the

beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

**8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275, RSMo. Any transportation development district that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine not to exceed fifty dollars per day.”; and**

Further amend said Substitute, Section 137.073, Page 24, Line 376, by inserting the following after all of said line:

“238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

(1) “Board”, the board of directors of a district;

(2) “Commission”, the Missouri highways and transportation commission;

(3) “District”, a transportation development district organized under sections 238.200 to 238.275;

(4) “Local transportation authority”, a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;

(5) **“Owner”, the individual or individuals or entity or entities who own a fee interest in real property that is located within the district or their legally authorized representative or representatives; in the case of real property owned by individuals or entities as joint tenants, tenants in common, tenants by the entirety, or tenants in partnership, such joint tenants, tenants in common, tenants by the entirety, or tenants in partnership shall be considered one owner collectively for purposes of any vote cast or petition executed;**

(6) “Project” includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.



2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.200 to 238.275, the following terms shall have the meanings given:

(1) “Approval of the required majority” or “direct voter approval”, a simple majority;

(2) “Qualified electors”, “qualified voters” or “voters”:

(a) Within a proposed or established district, [except for a district proposed under subsection 1 of section 238.207,] any persons residing therein who have registered to vote pursuant to chapter 115, RSMo; or

(b) [Within a district proposed or established under subsection 1 of section 238.207 which has no persons residing therein who have registered to vote pursuant to chapter 115, RSMo] **If no persons registered to vote under chapter 115, RSMo, reside within the proposed or established district**, the owners of record of all real property located in the **proposed or established** district, who shall receive one vote per acre **owned, prorated to the nearest one-tenth of an acre** [, provided that if a registered voter subsequent to the creation of the district becomes a resident within the district and obtains ownership of property within the district, such registered voter must elect whether to vote as an owner of real property or as a registered voter, which election once made cannot thereafter be changed]; or

**(c) Within a district proposed or established under subsection 6 of section 238.207, any persons residing therein who have registered to vote under chapter 115, RSMo, and the owners of record of all real property located in the proposed or established district, who shall each receive one vote; provided that any registered voter who also owns property in the proposed or established district must elect at each election whether to vote as an owner or a registered voter and may not receive more than one vote;**

(3) “Registered voters”, persons qualified and registered to vote pursuant to chapter 115, RSMo.

238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the

projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The estimated project costs and the anticipated revenues to be collected from the project;

(6) The name of the proposed district;

(7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; [and]

(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable; **and**

**(12) Details of the budgeted expenditures, including estimated expenditures for real physical improvements, estimated land acquisition expenses, estimated expenses for professional services.**

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district; or, if not less than fifty

registered voters from each of two or more counties sign a petition calling for the joint establishment of a district for the purpose of developing a project that lies in whole or in part within those same counties, the petition may be filed in the circuit court of any of those counties in which not less than fifty registered voters have signed the petition.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty registered voters in each of two or more counties, it shall set forth the name, voting residence, and county of residence of each individual petitioner;

(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

**6. Notwithstanding other provisions of this section to the contrary, in any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants, the owners of record of a majority by acreage of the real property, except public streets, located within the proposed district may file a petition in the circuit court of that county requesting the creation of a district. The petition shall set forth:**

**(1) For each owner of record of real property located within the proposed district, the name,**

**address, and acreage of real property owned within the proposed district;**

**(2) The total acreage of real property located within the proposed district;**

**(3) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;**

**(4) A specific description of the proposed district boundaries including a map illustrating such boundaries;**

**(5) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;**

**(6) The estimated project costs and the anticipated revenues to be collected from the project;**

**(7) The name of the proposed district;**

**(8) The number of members of the board of directors of the proposed district;**

**(9) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;**

**(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.280, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and**

**(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.**

238.208. 1. The owners of property adjacent to a transportation district formed under the Missouri transportation development district act may petition the court by unanimous petition to add their property to the district. If the property owners within the transportation development district unanimously approve of the addition of property, the adjacent properties in the petition shall be added to the district. [Any property added under this section shall be subject to all projects, taxes, and special assessments in effect as of the date of the court order adding the property to the district. The owners of the added property shall be allowed to vote at the next election scheduled for the district to fill vacancies on the board and on any other question submitted to them by the board under this chapter. The owners of property added under this section shall have one vote per acre in the same manner as provided in subdivision (2) of subsection 2 of section 238.220.]

**2. (1) As an alternative to the method described in subsection 1 of this section, at any time during the existence of a district, the board of directors of such district may pass a resolution to add property to the district's boundaries; provided that:**

**(a) A verified petition signed by all of the qualified voters within the area proposed to be added to the district requesting the additional property be added to the boundaries of the district is filed with the board of directors. The petition shall include a notice that the signatures of the owners may not be withdrawn later than seven days after the petition is filed with the district; and**

**(b) The board of directors of the district holds a public hearing concerning the matter not less**

than fourteen and not more than sixty days after the verified petition is received and gives notice of the public hearing by publication in a newspaper of general circulation within the district once a week for two consecutive weeks prior to the week of the public hearing and registered or certified United States mail with a return receipt attached to all of the qualified voters within the area proposed to be added to the district not less than fifteen days prior to the public hearing. The published and mailed notices shall include the following:

- a. The date, time, and place of the public hearing;
- b. A statement that a petition to amend the boundaries of the district has been filed with the board of directors of the district;
- c. A specific description of the property to be added to the district's boundaries and a map illustrating the proposed boundaries;
- d. A statement that a copy of the petition is available for review at the principal office of the district during regular business hours; and
- e. A statement that all interested persons shall be given an opportunity to be heard at the public hearing and may submit written objections to the proposed amendment to the district's boundaries which shall be fairly and duly considered by the board of directors;

(c) The board of directors of the district finds that:

- a. The amended district boundaries meet the requirements of subsection 3 of section 238.207;
- b. Any funding mechanism currently in effect within the district shall extend to the additional property;
- c. The district shall not be an undue burden on any owner of property within the district; and
- d. The amendment to the district's boundaries is not unjust or unreasonable; and

(d) No written objection to the proposed amendment to the district's boundaries signed by at least ten percent of the qualified voters of the district is filed with the board of directors of the district within seven days after the close of the public hearing.

(2) If a written objection to the proposed amendment to the district's boundaries signed by at least ten percent of the qualified voters of the district is filed with the board of directors of the district within seven days after the close of the public hearing, the board of directors shall submit the question whether to amend the district's boundaries to the qualified voters within the proposed limits of the district. If the question is approved by the majority of qualified voters within the proposed limits of the district, the board of directors shall extend the district's boundaries by resolution.

(3) Any resolution passed by the board of directors of a district under this subsection shall include a specific description of the district's new boundary and the funding mechanisms currently in effect within the district.

(4) Upon passage of a resolution under this subsection, the district shall file a certified copy of the resolution and the verified petition with the circuit court of the county in which the petition creating the district was filed and request that the court enter its judgment that the district's boundaries be amended. The court shall hear the case without a jury. If the resolution is not defective, the proposed amendment to the district's boundary is not illegal, unconstitutional, unjust, or unreasonable and the

**district is not an undue burden on any owner of property within the district, the court shall enter its judgment to that effect.**

**(5) The district shall also cause a certified copy of the resolution to be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission.**

**3. Any property added to a district under subsection 1 or 2 of this section shall be subject to all funding mechanisms, projects, and obligations of the district as of the date of the court order adding the property to the district. The owners of the added property shall have the same rights as any existing property owner within the district.**

**4. The owners of all of the property located in a transportation development district formed under this chapter may, by unanimous petition filed with the board of directors of the district, remove any property from the district, so long as such removal will not materially affect any obligations of the district.**

238.210. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve a copy of the petition on the respondents who shall have thirty days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. If any respondent files its answer opposing the creation of the district, it shall recite legal reasons why the petition is defective, why the proposed district is illegal or unconstitutional, or why the proposed method for funding the district is illegal or unconstitutional. The respondent shall ask the court for a declaratory judgment respecting these issues. The answer of each respondent shall be served on each petitioner and every other respondent named in the petition. Any resident, taxpayer, any other entity, or any local transportation authority within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a declaratory judgment respecting these same issues within thirty days after the date notice is last published by the circuit clerk.

2. The court shall hear the case without a jury. If the court shall thereafter determine the petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue burden on any owner of property within the district or is unjust and unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to make the certifications requested in the pleadings. If the court determines that any proposed funding method is illegal or unconstitutional, it shall enter its judgment striking that funding method in whole or part. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect. If the petition was filed by registered voters or by a governing body, the court shall then certify the questions regarding district creation, project development, and proposed funding for voter approval. If the petition was filed by a governing body, or by no less than fifty registered voters of two or more counties, pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207**, the court shall then certify the single question regarding district creation, project development, and proposed funding for voter approval. If the petition was filed by the owners of record of all of the real property located within the proposed district, the court shall declare the district organized and certify the funding methods stated in the petition for qualified voter approval; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230. In either case, if no objections to the petition are timely filed, the court may make such certifications based upon the pleadings before it without any hearing.

3. Any party having filed an answer or petition may appeal the circuit court's order or declaratory

judgment in the same manner provided for other appeals. The circuit court shall have continuing jurisdiction to enter such orders as are required for the administration of the district after its formation.

238.212. 1. If the petition was filed by registered voters, [or] by a governing body **or pursuant to subsection 6 of section 238.207**, the circuit clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

NOTICE OF PETITION TO SUBMIT TO A  
POPULAR VOTE THE CREATION AND  
FUNDING OF A TRANSPORTATION  
DEVELOPMENT DISTRICT

Notice is hereby given to all persons residing or owning property in (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that upon voter approval, a transportation development district by the name of “..... Transportation Development District” be formed for the purpose of developing the following transportation project: (here summarize the proposed transportation project or projects). The petition also requests voter approval of the following method(s) of funding the district, which (may) (shall not) increase the total taxes imposed within the proposed district: (describe the proposed funding methods). A copy of this petition is on file and available at the office of the clerk of the circuit court of ..... County, located at ....., Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the transportation development district and requesting a declaratory judgment, as required by law, no later than the ..... day of ....., 20.. . You may show cause, if any there be, why such petition is defective or proposed transportation development district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be submitted for voter approval at a general, primary or special election as directed by this court. .... Clerk of the Circuit Court of ..... County

2. The circuit court may also order a public hearing on the question of the creation and funding of the proposed district, if it deems such appropriate, under such terms and conditions as it deems appropriate. If a public hearing is ordered, notice of the time, date and place of the hearing shall also be given in the notice specified in subsection 1 of this section.

238.215. 1. If the circuit court certifies the petition for voter approval, it shall call an election pursuant to section 238.216.

2. At such election for voter approval of the qualified voters, the questions shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a transportation development district, to be known as the “..... Transportation Development District” for the purpose of developing the following transportation project: (here summarize the proposed project or projects and require each voter to approve or disapprove of each project) and have the power to fund the proposed project upon separate voter approval by any or all of the following methods: (here specifically describe the proposed funding methods and require each voter to approve or disapprove

of each proposed funding method)?

3. (1) If the petition was filed pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207** and the district desires to impose a sales tax as the only proposed funding mechanism, at such election for voter approval of the qualified voters, the question shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a transportation development district, to be known as the “..... Transportation Development District” for the purpose of developing the following transportation project: (here summarize the proposed project or projects) and be authorized to impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of funding the transportation project or projects?

(2) If the petition was filed pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207** and the district desires to impose a funding mechanism other than a sales tax, at such election for voter approval of the qualified voters, the question shall be submitted in substantially the form set forth in subsection 2 of this section and the proposed funding mechanism shall require separate voter approval at a subsequent election.

4. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission. If the results show that a majority of the votes cast by the qualified voters were in favor of organizing the transportation development district, the circuit court having jurisdiction of the matter shall declare the district organized and certify the funding methods approved by the qualified voters. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the organization of the district, the circuit court shall declare that the question has failed to pass, and the same question shall not be again submitted for voter approval for two years.

5. Notwithstanding the foregoing, if the election was held pursuant to subsection 3 of this section, the results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies. If the results show that a majority of the votes cast by the qualified voters were in favor of the proposition, the circuit court having jurisdiction of the matter shall declare the district organized and the funding methods approved by the qualified voters to be in effect. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the proposition, the circuit court shall declare that the question has failed to pass. A new petition shall be filed pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207, as applicable**, prior to the question being again submitted for voter approval.

238.216. 1. Except as otherwise provided in section 238.220 with respect to the election of directors, in order to call any election required or allowed under sections 238.200 to 238.275, the circuit court shall:

(1) Order the county clerk to cause the questions to appear on the ballot on the next regularly scheduled general, primary or special election day, which date shall be the same in each county or portion of a county included within and voting upon the proposed district;

(2) If the election is to be a mail-in election, specify a date on which ballots for the election shall be



mailed, which date shall be a Tuesday, and shall be not earlier than the eighth Tuesday from the issuance of the order, and shall not be on the same day as an election conducted under the provisions of chapter 115, RSMo; or

(3) If all the owners of property in the district joined in the petition for formation of the district, such owners may cast their ballot by unanimous verified petition approving any measure submitted to them as voters pursuant to this chapter. Each owner shall receive one vote per acre owned, **prorated to the nearest one-tenth of an acre.** [Fractional votes shall be allowed.] The verified petition shall be filed with the circuit court clerk. The filing of a unanimous petition shall constitute an election under sections 238.200 to 238.275 and the results of said election shall be entered pursuant to subsection 6 of this section.

2. Application for a ballot shall be conducted as follows:

(1) Only qualified voters shall be entitled to apply for a ballot;

(2) Such persons shall apply with the clerk of the circuit court in which the petition was filed;

(3) Each person applying shall provide:

(a) Such person's name, address, mailing address, and phone number;

(b) An authorized signature; and

(c) Evidence that such person is entitled to vote. Such evidence shall be:

a. For resident individuals, proof of registration from the election authority;

b. For owners of real property, a tax receipt or deed or other document which evidences ownership, and identifies the real property by location;

(4) No person shall apply later than the fourth Tuesday before the date for mailing ballots specified in the circuit court's order.

3. If the election is to be a mail-in election, the circuit court shall mail a ballot to each qualified voter who applied for a ballot pursuant to subsection 2 of this section along with a return addressed envelope directed to the circuit court clerk's office with a sworn affidavit on the reverse side of such envelope for the voter's signature. Such affidavit shall be in the following form:

I hereby declare under penalties of perjury that I am qualified to vote, or to affix my authorized signature in the name of an entity which is entitled to vote, in this election.

Subscribed and sworn to before me this ..... day of....., 20.....

Authorized Signature ..... .

..... Printed Name of Voter

Signature of notary or other officer authorized to administer oaths.

.....

Mailing Address of Voter

(if different)

4. Except as otherwise provided in subsection 2 of section 238.220, with respect to the election of directors, each qualified voter shall have one vote, unless the qualified voters are property owners under

subdivision (2) of subsection 2 of section 238.202, in which case they shall receive one vote per acre, **prorated to the nearest one-tenth of an acre**. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an [appropriate] **applicable** mechanism for [the determination of the entity's vote] **action for such voter**. If a voter has no such mechanism, then its vote shall be cast [as determined by a majority of the persons who run the day-to-day affairs of the voter] **by agreement of such individuals or entities as would be required under applicable law to convey by deed the entire parcel of property owned**. Each voted ballot shall be signed with the authorized signature.

5. Mail-in voted ballots shall be returned to the circuit court clerk's office by mail or hand delivery no later than 5:00 p.m. on the sixth Tuesday after the date for mailing the ballots as set forth in the circuit court's order. The circuit court's clerk shall transmit all voted ballots to a team of judges of not less than four, with an equal number from each of the two major political parties. The judges shall be selected by the circuit court from lists compiled by the election authority. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the circuit court. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115, RSMo.

6. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission.

238.220. 1. Notwithstanding anything to the contrary contained in section 238.216, if any persons eligible to be registered voters reside within the district the following procedures shall be followed:

(1) After the district has been declared organized, the court shall upon petition of any interested person order the county clerk to cause an election to be held in all areas of the district within one hundred twenty days after the order establishing the district, to elect the district board of directors which shall be not less than five nor more than fifteen;

(2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and shall file with the election authority of such county a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(3) The director or directors to be elected shall be elected at large. The candidate receiving the most votes from qualified voters shall be elected to the position having the longest term, the second highest total votes elected to the position having the next longest term, and so forth. Each initial director shall serve the one-, two- or three-year term to which he or she was elected, and until a successor is duly elected and qualified. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification; and

(4) [Each director shall be a resident of the district.] Directors shall be registered voters at least twenty-one years of age.

2. Notwithstanding anything to the contrary contained in section 238.216, if no persons eligible to be registered voters reside within the district, the following procedures shall apply:

(1) Within thirty days after the district has been declared organized, the circuit clerk of the county in

which the petition was filed shall, upon giving notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, call a meeting of the owners of real property within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of not less than five and not more than fifteen directors, to be composed of owners or representatives of owners of real property in the district; provided that, if all the owners of property in the district joined in the petition for formation of the district, such meeting may be called by order of the court without further publication[. For the purposes of determining board membership, the owner or owners of real property within the district and their legally authorized representative or representatives shall be deemed to be residents of the district; for business organizations and other entities owning real property within the district, the individual or individuals legally authorized to represent the business organizations or entities in regard to the district shall be deemed to be a resident of the district];

(2) The property owners, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election. At the election, each acre of real property within the district shall represent one share, and each owner may have one vote in person or by proxy for every acre of real property owned [by such person within the district], **prorated to the nearest one-tenth of an acre;**

(3) The one-third of the initial board members receiving the most votes shall be elected to positions having a term of three years. The one-third of initial board members receiving the next highest number of votes shall be elected to positions having a term of two years. The lowest one-third of initial board members receiving sufficient votes shall be elected to positions having a term of one year. Each initial director shall serve the term to which he or she was elected, and until a successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the real property owners called by the board. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification;

(4) Directors shall be at least twenty-one years of age.

3. Notwithstanding any provision of section 238.216 and this section to the contrary, if the petition for formation of the district was filed pursuant to subsection 5 of section 238.207, the following procedures shall be followed:

(1) If the district is comprised of four or more local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district. If the district is comprised of two or three local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district and one person designated by the governing body of each local transportation authority within the district;

(2) Each director shall be at least twenty-one years of age [and a resident or property owner of the local transportation authority the director represents]. A director designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause; and

(3) Upon the assumption of office of a new presiding officer of a local transportation authority, such individual shall automatically succeed his predecessor as a member of the board of directors. Upon the removal, resignation or disqualification of a director designated by the governing body of a local transportation authority, such governing body shall designate a successor director.

**4. Notwithstanding any provision of section 238.216 and this section to the contrary, if the petition for formation of the district was filed pursuant to subsection 6 of section 238.207, the following procedures shall be followed:**

**(1) If the district is comprised of one affected local transportation authority, the board of directors shall consist of three directors designated by the governing body of the affected local transportation authority within the district. If the district is comprised of two affected local transportation authorities, the board of directors shall consist of four directors, two directors designated by the governing body of each affected local transportation authority within the district. If the district is comprised of three or more affected local transportation authorities, the board of directors shall consist of one person designated by the governing body of each affected local transportation authority within the district. Each director shall serve a three-year term. Successor directors shall be designated in the same manner as the initial directors and shall serve three-year terms.**

**(2) Each director shall be at least twenty-one years of age. A director designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause; and**

**(3) Upon the removal, resignation or disqualification of a director designated by the governing body of a local transportation authority, such governing body shall designate a successor director.**

**5. The commission shall appoint one or more advisors to the board, who shall have no vote but shall have the authority to participate in all board meetings and discussions, whether open or closed, and shall have access to all records of the district and its board of directors.**

[5.] **6. If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the local transportation authority that will assume maintenance of the project shall appoint one or more advisors to the board of directors who shall have the same rights as advisors appointed by the commission.**

[6.] **7. Any county or counties located wholly or partially within the district which is not a local transportation authority pursuant to subdivision (4) of subsection 1 of section 238.202 may appoint one or more advisors to the board who shall have the same rights as advisors appointed by the commission.**

**238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:**

**(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or**

**(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section**

**238.207 or subsection 6 of section 238.207.**

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of ..... (transportation development district's name) impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the month **designated by the board of directors of the transportation development district** following adoption of the tax by the qualified voters.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the [transportation development district] **department of revenue**.

3. On and after the effective date of any tax imposed pursuant to this section, the [transportation development district] **director of revenue** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, **and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section.** The tax imposed pursuant to this section **and the sales taxes imposed pursuant to all other laws of the state of Missouri** shall be collected **together** and reported upon such forms and [under] **pursuant to** such administrative rules and regulations as may be prescribed by the [transportation development district] **director of revenue**.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state

destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. [All sales taxes collected by the transportation development district shall be deposited by the transportation development district in a special fund to be expended for the purposes authorized in this section. The transportation development district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.] **All sales taxes collected by the director of revenue pursuant to this section on behalf of any transportation development district, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the state treasury to the credit of the "Transportation Development District Sales Tax Fund". Moneys in the transportation development district sales tax fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. All interest earned upon the balance in the transportation development district sales tax fund shall be deposited to the credit of the same fund. Any balance in the fund at the end of an appropriation period shall not be transferred to the general revenue fund and the provisions of section 33.080, RSMo, shall not apply to the fund. The director of revenue shall keep accurate records of the amount of money which was collected in each transportation development district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in such fund during the preceding month to the proper transportation development district.**

6. **The director of revenue may authorize the state treasurer to make refunds from the amounts credited to any transportation development district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any transportation development district repeals the tax authorized by this section, the transportation development district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by this section in such transportation development district, the director of revenue shall remit the balance in the account to the transportation development district and close the account of that transportation development district. The director of revenue shall notify each transportation development district of each instance of any amount refunded or any check redeemed from receipts due the transportation development district.**

[6.] 7. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation

authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

238.257. 1. At any time during the existence of a district, the board may submit to the voters of the district a proposition to increase [or decrease] the number of projects which it is authorized to complete.

2. If the board proposes to add one or more additional projects, the question shall be submitted in substantially the following form:

Shall the ..... Transportation Development District fund or develop the following additional transportation project (or projects): (summarize the proposed project or projects), and have the power to fund the proposed project upon separate voter approval by any or all of the following methods: (here specifically describe the proposed funding methods and require each voter to approve or disapprove of each proposed funding method)?

3. If the board proposes to **decrease the number of projects or** discontinue a project, **it may do so by majority vote of the board provided that** it shall first obtain approval from the commission if the proposed project is intended to be merged into the state highways and transportation system under the commission's jurisdiction or approval from the local transportation authority if the proposed project is intended to be merged into a local transportation system under the local authority's jurisdiction. [If such approval is obtained, then the question shall be submitted to the district's voters in substantially the following form:

Shall the ..... Transportation Development District discontinue development of the following transportation project: (summarize the transportation project), for the reason that (describe the reason why the transportation project cannot be completed as approved)?]

4. The board may modify the project previously approved by the district voters, if the modification is approved by the commission and, where appropriate, a local transportation authority.

238.275. 1. Within six months after development and initial maintenance costs of its completed project have been paid, the district shall pursuant to contract transfer ownership and control of the project to the commission or a local transportation authority which shall be responsible for all future maintenance costs pursuant to contract. Such transfer may be made sooner with the consent of the recipient.

2. At such time as a district has completed its project and has transferred ownership of the project to the



commission or other local transportation authority for maintenance, **or the district has provided for the completion and funding of its project and has transferred ownership and control of the project to the commission or a local transportation authority under subsection 1 of this section**, or at such time as the board determines that it is unable to complete its project due to lack of funding or for any other reason, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the ..... Transportation Development District be abolished?

3. The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting the question to abolish the district to a vote, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law.

4. **As an alternative to the method described in subsections 2 and 3 of this section, if at such time as a district has completed its project and has transferred ownership of the project to the commission or other local transportation authority for maintenance, or the district has provided for the completion and funding of its project and has transferred ownership and control of the project to the commission or a local transportation authority under subsection 1 of this section, or at such time as the board determines that it is unable to complete its project due to lack of funding or for any other reason, the board may petition the circuit court to dissolve the district.**

5. **The district board may not petition the circuit court for dissolution while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, or while the district is insolvent, in receivership, or under the jurisdiction of the bankruptcy court. Prior to petitioning the circuit court to abolish the district, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished under law.**

6. While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

[5.] 7. Upon receipt of certification by the appropriate election authorities that the majority of those voting within the district have voted to abolish the district **or upon receipt of an order of the circuit court that the district may be abolished**, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board shall:

(1) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district, including revenues due and owing the district, to the commission or any appropriate local transportation authority assuming maintenance and control of the project, for its further use and disposition;

(2) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(3) At a public meeting of the district, declare by a majority vote that the district has been abolished effective that date; and

(4) Cause copies of that resolution under seal to be filed with the secretary of state, the director of revenue, the commission, and with each local transportation authority affected by the district. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 485, Page 4, Section 105.966, Line 14, by inserting after all of said line the following:

“115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district except for municipal elections, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any [nonpartisan] election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision [may] **shall** determine by random drawing the order in which such candidates' names shall appear on the ballot. [If] **When** a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing[. If such drawing is conducted], **and** the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. [If such drawing is conducted,] The names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.”; and

Further amend said bill, Page 5, section 115.350, Line 11, by inserting after all of said line the following:

“115.395. 1. At each primary election, there shall be as many separate ballots as there are parties entitled to participate in the election.

2. The names of the candidates for each office on each party ballot shall be listed in the order in which they are filed[, except that,]. In the case of candidates who file a declaration of candidacy with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by random drawing the order in which such candidates' names shall appear on the ballot. The drawing shall be conducted so that each candidate may draw a number at random at the time of filing. The secretary of state shall record the number drawn with the candidate's declaration of candidacy. The names of candidates filing on the first day for filing for each office on each party ballot shall be listed in ascending order of the numbers so drawn. For the purposes of this subsection, the election authority responsible for oversight of the filing of candidates, other than candidates that file with the secretary of state, shall clearly designate where candidates shall form a line to effectuate such filings [and determine the order of such filings; except that,]. In the case of candidates who file a declaration of candidacy with the election authority prior to 5:00 p.m. on the first day for filing, the election authority [may] **shall** determine by random drawing the order in

which such candidates' names shall appear on the ballot[. If a drawing is conducted pursuant to this subsection, it] **and the drawing** shall be conducted so that each candidate may draw a number at random at the time of filing. [If such drawing is conducted,] The election authority shall record the number drawn with the candidate's declaration of candidacy[. If such drawing is conducted], **and** the names of candidates filing on the first day for filing for each office on each party ballot shall be listed in ascending order of the numbers so drawn.

3. Insofar as applicable, the provisions of sections 115.237, 115.241 and 115.245 shall apply to each ballot prepared for a primary election, except that the ballot information may be placed in vertical or horizontal rows, no circle shall appear under any party name and no write-in lines shall appear under the name of any office for which a candidate is to be nominated at the primary. At a primary election, write-in votes shall be counted only for persons who can be elected to an office at the primary.”; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 485, Page 4, Section 105.966, Line 14 by inserting after said line the following:

“115.247. 1. Each election authority shall provide all ballots for every election within its jurisdiction. Ballots other than those printed by the election authority in accordance with sections 115.001 to 115.641 and section 51.460, RSMo, shall not be cast or counted at any election.

2. Whenever it appears that an error has occurred in any publication required by sections 115.001 to 115.641 and section 51.460, RSMo, or in the printing of any ballot, any circuit court may, upon the application of any voter, order the appropriate election authorities to correct the error or to show cause why the error should not be corrected.

3. For each election held in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants **or in any county other than a county with a charter form of government and with more than one million inhabitants**, the election authority may provide for each polling place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters registered in the voting district at the time of the election. For each election, except a general election, held in any county other than a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants **or in any county other than a county with a charter form of government and with more than one million inhabitants**, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to at least one and one-third times the number of ballots cast in the voting district served by such polling place at the election held two years before at that polling place or at the polling place that served the voting district in the previous election. For each general election held in any county other than a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants **or in any county other than a county with a charter form of government and with more than one million inhabitants**, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to one and one-third times the number of ballots cast in the voting district served by such polling place or at the polling place that served the voting district in the general election held four years prior. When determining the number of ballots to provide for each polling place, the election authority shall consider any factors that would affect the turnout at such polling place. The election authority shall keep a record of the exact number of ballots delivered to each polling place. For purposes of this subsection,

the election authority shall not be required to count registered voters designated as inactive pursuant to section 115.193.

4. After the polls have closed on every election day, the election judges shall return all unused ballots to the election authority with the other election supplies.

5. All ballots cast in public elections shall be printed and distributed at public expense, payable as provided in sections 115.061 to 115.077.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 485, Section 1, Page 24, Line 7, by inserting after all of said section and line the following:

**“Section 2. All public advertisements and orders of publication required by law to be made, including but not limited to the notices required by section 115.345, RSMo, amendments to the constitution of Missouri, legal publications affecting all sales of real estate under a power of sale contained in any mortgage or deed of trust, and other legal publications affecting the title to real estate shall be published in a newspaper of general circulation, qualified under the provisions of section 493.050, RSMo, and persons responsible for orders of publication described in sections 443.310 and 443.320, RSMo, shall be subject to the prohibitions in sections 493.130 and 493.140, RSMo.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

House Committee Substitute for Senate Bill No. 485, Section 137.073, Page 23, Line 376, by inserting immediately after all of said section and line the following:

“483.015. 1. At the general election in the year 1982, and every four years thereafter, except as herein provided and except as otherwise provided by law, circuit clerks shall be elected by the qualified voters of each county [and of the city of St. Louis], who shall be commissioned by the governor, and shall enter upon the discharge of their duties on the first day in January next ensuing their election, and shall hold their offices for the term of four years, and until their successors shall be duly elected and qualified, unless sooner removed from office.

2. The court administrator for Jackson County provided by the charter of Jackson County shall be selected as provided in the county charter and shall exercise all of the powers and duties of the circuit clerk of Jackson County. The director of judicial administration and the circuit clerk of St. Louis County shall be selected as provided in the charter of St. Louis County. **The court administrator for the twenty-second judicial circuit as provided by local court rule shall have and exercise all of the powers and duties of the circuit clerk of the city of St. Louis. Insofar as this subsection pertains to the circuit clerk of the city of St. Louis, this subsection shall become effective on January 1, 2011. The circuit clerk of the city of St. Louis in office on the effective date of this subsection shall continue to hold such position until the expiration date of his or her current term.**

3. When provision is made in a county charter for the appointment of a court administrator to perform the duties of a circuit clerk or for the appointment of a circuit clerk, such provisions shall prevail over the provisions of this chapter providing for a circuit clerk to be elected. The persons appointed to fill any such appointive positions shall be paid by the counties as provided by the county charter or ordinance; provided,

however, that if provision is now or hereafter made by law for the salaries of circuit clerks to be paid by the state, the state shall pay over to the county a sum which is equivalent to the salary that would be payable by law by the state to an elected circuit clerk in such county if such charter provision was not in effect. The sum shall be paid in semimonthly or monthly installments, as designated by the commissioner of administration.

4. The circuit clerk in the sixth judicial circuit and in the seventh judicial circuit shall be appointed by a majority of the circuit judges and associate circuit judges of the circuit court, en banc. The circuit clerk in those circuits shall be removable for cause by a majority of the circuit judges and associate circuit judges of such circuit, en banc, in accordance with supreme court administrative rules governing court personnel. This subsection shall become effective on January 1, 2004, and the elected circuit clerks in those circuits in office at that time shall continue to hold such office for the remainder of their elected terms as if they had been appointed pursuant to the terms of this subsection.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 485, Section 60.010, Page 3, Line 24, by inserting after all of said line the following:

**“67.1080. 1. Provisions of law to the contrary notwithstanding, where a county has properly levied a tax, which by state law terminates within a specified period of time, the imposition of such tax may, by a majority vote of the governing body of such county, be extended; except that no ordinance or order extending such tax shall be effective unless the governing body of the county submits to the voters of such county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to extend such tax.**

**2. The ballot of submission shall contain, but need not be limited to the following language:**

**“Shall the county of ..... (insert county’s name) extend the countywide (insert type of tax) tax currently imposed for the purpose of ..... (insert purpose of tax) at the rate of (insert rate) percent (it shall be optional to include the duration of the extension)?”.**

**3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to extend the tax as herein authorized unless and until the governing body of the county submits another proposal to authorize the governing body of the county to extend the tax under the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill 485, Page 3, Section 60.010, Line 24, by inserting immediately after said line the following:

**“77.300. The city council my submit any question to a vote as an advisory referendum to be included on the ballot for an election to be conducted on a date authorized under section 115.123, RSMo. Such an advisory referendum, upon receiving a majority of votes in such city, shall only be**

sued by the city council as a measure of public preference and shall not have the force and effect of law. Such questions shall only be submitted in the same manner that questions are otherwise submitted to a vote under chapter 115, RSMo.”; and

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 485, Page 24, Section 137.073, Line 376, by inserting after all of said line the following:

“141.160. 1. The general law relating to taxation and the collection of delinquent taxes, as now existing, shall apply to counties of the first class having a charter form of government insofar as not inconsistent with the provisions of sections 141.010 to 141.160, except that counties of the first class operating under a charter form of government may hereafter elect to operate under the provisions of chapter 140, RSMo, the general law relating to the collection of delinquent taxes, by the enactment of an ordinance by the legislative body of such county.

**2. In addition to any other provisions of law related to delinquent tax collection fees, in all counties having a charter form of government and more than six hundred thousand inhabitants, the collector shall collect on behalf of the county and pay into the county general fund an additional fee for the collection of delinquent and back taxes of five percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax.**

**3. The provisions of sections 141.010 to 141.160 shall not apply to counties of the first class not having a charter form of government, and such counties shall operate under the provisions of chapter 140, RSMo.”;** and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 485, Page 1, Section A, Line 9, by inserting after all of said section the following:

**“26.016. In the case of any vacancy for any cause in the office of lieutenant governor, the governor shall fill such vacancy by special election as provided in section 105.030, RSMo, for the remainder of the term in which the vacancy occurred until a successor is elected and qualified at the next election scheduled for the lieutenant governor under section 17, article IV, Constitution of Missouri. The governor shall take charge of such office and superintend the business of the office until a successor is elected and qualified. In cases of impeachment as provided in chapter 106, RSMo, the lieutenant governor shall be suspended until the impeachment is determined. If the lieutenant governor is acquitted, the lieutenant governor shall be reinstated to office. If the lieutenant governor is convicted, the vacancy shall be filled in the same manner as provided in this section.**

**27.015. In the case of any vacancy for any cause in the office of attorney general, the governor shall immediately appoint an acting attorney general to fill such vacancy until the vacancy is filled by special election as provided in section 105.030, RSMo, for the remainder of the term in which the vacancy occurred until a successor is elected and qualified at the next election scheduled for the attorney general under section 17, article IV, Constitution of Missouri. The acting attorney general shall take charge of such office and superintend the business of the office until a successor is elected**

**and qualified. In cases of impeachment as provided in chapter 106, RSMo, the attorney general shall be suspended until the impeachment is determined. If the attorney general is acquitted, the attorney general shall be reinstated to office. If the attorney general is convicted, the vacancy shall be filled in the same manner as provided in this section.**

28.190. In case of death, resignation, removal from office, impeachment, or vacancy from any cause in the office of secretary of state, the governor shall [immediately appoint a qualified person to] fill such vacancy **by special election as provided in section 105.030, RSMo**, for the remainder of the term in which such vacancy occurred [and] until [his] a successor is elected [or appointed, commissioned] and qualified[; and] **at the next election scheduled for the secretary of state under section 17, article IV, Constitution of Missouri.** The governor shall take charge of the office and superintend its business until such person is [appointed, commissioned] **elected** and qualified[; except that]. In case of impeachment **as provided in chapter 106, RSMo**, the governor shall appoint a qualified person to serve only until such impeachment is determined, when the suspended officer, if acquitted, shall be reinstated in office[, or]. If the suspended officer is convicted, [a new appointment shall be made] **the vacancy shall be filled** by the governor as [in the case of other vacancies] **provided in this section.**

29.280. When a vacancy occurs in the office of state auditor, the governor shall immediately appoint an **acting** auditor to fill such vacancy **until the vacancy is filled by special election as provided in section 105.030, RSMo**, for the residue of the term in which the vacancy occurred[, and] until [his] a successor is elected [or appointed, commissioned] and qualified **at the next election scheduled for the state auditor under section 17, article IV, Constitution of Missouri.** The acting auditor shall take charge of such office and superintend the business of the office until a successor is elected and qualified. In cases of impeachment as provided in chapter 106, RSMo, the auditor shall be suspended until the impeachment is determined. If the auditor is acquitted, the auditor shall be reinstated to office. If the auditor is convicted, the vacancy shall be filled in the same manner as provided in this section.

30.060. In case of death, resignation, removal from office, impeachment, or vacancy from any cause[.] in the office of the state treasurer, the governor shall **fill such vacancy by special election as provided in section 105.030, RSMo, for the remainder of the term in which such vacancy occurred until a successor is elected and qualified at the next election scheduled for the state treasurer under section 17, article IV, Constitution of Missouri.** The governor shall take charge of such office and superintend the business thereof until a successor is [appointed, commissioned] **elected** and qualified [except]. In case of impeachment **as provided in chapter 106, RSMo**, when no [appointment] **election** shall be made until a determination of the matter is had, when, in the event of an acquittal, the suspended officer shall be reinstated in office. **If the treasurer is convicted, the vacancy shall be filled in the same manner as provided in this section.**

30.080. Immediately after the [appointment] **election** and qualification of a state treasurer, made to fill any vacancy occurring in said office, or the resumption of [his] duties by said officer, after the removal of any disability or temporary suspension therefrom the general assembly if in session, or, if such assembly be not in session, then the governor, shall cause a settlement to be made of the accounts of the former state treasurer, or any such office ad interim, remaining unsettled, and ascertain what balance, if any, is due the state or such officer, as the case may be.”; and

Further amend said bill, Page 3, Section 78.090, Line 22 by inserting after all of said section the following:

“105.030. **1.** Whenever any vacancy, caused in any manner or by any means whatsoever, occurs or exists in any state or county office originally filled by election of the people, other than in the offices of lieutenant governor, **attorney general, secretary of state, state auditor, state treasurer,** state senator or representative, sheriff, or recorder of deeds in the city of St. Louis, the vacancy shall be filled by appointment by the governor except that when a vacancy occurs in the office of county assessor after a general election at which a person other than the incumbent has been elected, the person so elected shall be appointed to fill the remainder of the unexpired term; and the person appointed after duly qualifying and entering upon the discharge of [his] **the** duties under the appointment shall continue in office until the first Monday in January next following the first ensuing general election, at which general election a person shall be elected to fill the unexpired portion of the term, or for the ensuing regular term, as the case may be, and the person so elected shall enter upon the discharge of the duties of the office the first Monday in January next following his election, except that when the term to be filled begins on any day other than the first Monday in January, the appointee of the governor shall be entitled to hold the office until such other date. This section shall not apply to vacancies in county offices in any county which has adopted a charter for its own government under section 18, article VI of the constitution. Any vacancy in the office of recorder of deeds in the city of St. Louis shall be filled by appointment by the mayor of that city.

**2. Any vacancy occurring in the offices of lieutenant governor, attorney general, secretary of state, state auditor, or state treasurer, except for vacancies occurring under section 106.060, RSMo, shall be filled by a special election called by the governor for that purpose. Upon receiving the notice of vacancies occurring under this subsection, the governor shall issue a writ of election to fill the vacancy. The secretary of state shall conduct the special election as provided in chapter 115, RSMo.**

105.040. Whenever a vacancy in the office of senator of the United States from this state exists, the governor[, unless otherwise provided by law,] shall [appoint a person to fill such vacancy, who shall continue in office until a successor shall have been duly elected and qualified according to law] **fill the office by a special election called by the governor for that purpose. Upon receiving the notice of a vacancy occurring in the office, the governor shall issue a writ of election to fill the vacancy. The secretary of state shall conduct the special election as provided in chapter 115, RSMo.**

105.050. If any vacancy shall happen from any cause in the office of the [attorney general,] circuit attorney, prosecuting attorney or assistant prosecuting attorney, the governor, upon being satisfied that such vacancy exists, shall appoint some competent person to fill the same until the next regular election for [attorney general,] prosecuting attorney or assistant prosecuting attorney, as the case may be; provided, in the case of a vacancy in the office of prosecuting attorney, if there is no qualified person in the county who can or will accept such appointment, then the governor may appoint any person who possesses all the qualifications set forth in section 56.010, RSMo, except the qualification as to residence.”; and

Further amend said bill, Page 24, Section 1, Line 7 by inserting after all of said Section the following:

**“Section 2. Notwithstanding any other provision of law, the governor shall call a special election to fill a vacancy in the office of senator of the United States, lieutenant governor, attorney general, secretary of state, state auditor, or state treasurer. In no case shall the special election be held later than six months from the occurrence of a vacancy, but the governor may give preference to holding the special election during a regularly scheduled election of any kind provided that such regularly scheduled election is held no later than six months from the occurrence of a vacancy.**

[30.070. When a vacancy occurs in the office of state treasurer, the governor shall immediately appoint a



state treasurer to fill such vacancy for the residue of the term in which the vacancy occurred, and until his successor is elected or appointed, commissioned and qualified.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 381** and has taken up and passed **SS** for **HCS** for **HB 381**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 577**, as amended. Representatives: Yates, Nance, Wilson (130), Talboy and Schupp.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 262**, as amended. Representatives: Stevenson, Cox, Diehl, Burnett and Brown (73).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 126**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 2**.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 795**, with **SCS**, entitled:

An Act to repeal sections 144.140, 290.500 and 536.310, RSMo, and to enact in lieu thereof four new sections relating to small businesses, with an emergency clause.

Was taken up by Senator Purgason.

**SCS** for **HCS** for **HB 795**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 795**

An Act to repeal sections 144.140, 290.500 and 536.310, RSMo, and to enact in lieu thereof four new sections relating to small businesses, with an emergency clause.

Was taken up.

Senator Purgason moved that **SCS** for **HCS** for **HB 795** be adopted.

Senator Stouffer assumed the Chair.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 795, Pages 1-4, Section 290.500, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Purgason, **HCS** for **HB 795**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

At the request of Senator Crowell, **HB 802** was placed on the Informal Calendar.

**HCS** for **HB 96**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 390**, with **SCS**, entitled:

An Act to repeal sections 172.360, 174.130, 178.635, 178.780, 208.009, 285.530, 285.555, and 292.675, RSMo, and to enact in lieu thereof eleven new sections relating to unauthorized aliens, with an emergency clause.

Was taken up by Senator Rupp.

**SCS** for **HCS** for **HB 390**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 390

An Act to repeal sections 208.009, 285.530, 285.555, and 292.675, RSMo, and to enact in lieu thereof five new sections relating to unauthorized aliens, with an emergency clause.

Was taken up.

Senator Rupp moved that **SCS** for **HCS** for **HB 390** be adopted.

Senator Rupp offered **SS** for **SCS** for **HCS** for **HB 390**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 390

An Act to repeal sections 208.009, 285.530, 285.555, and 292.675, RSMo, and to enact in lieu thereof five new section relating to unauthorized aliens, with an emergency clause.

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HB 390** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **HCS** for **HB 390** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Justus—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Justus—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS** for **HB 154** moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT NO. 2 ON SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 154

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Bill No. 154, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, and Senate Amendment No. 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Bill No. 154, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 154;
3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for House Committee Substitute for House Bill No. 154, be Third Read and Finally Passed.

## FOR THE HOUSE:

/s/ Marilyn Ruestman

/s/ Ed Emery

/s/ Bob Nance

/s/ Kate Meiners

/s/ Patricia Yaeger

## FOR THE SENATE:

/s/ Charlie Shields

/s/ Bill Stouffer

/s/ John E. Griesheimer

/s/ Yvonne S. Wilson

/s/ Robin Wright-Jones

Senator Shields moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Shields, **CCS No. 2** for **SS** for **HCS** for **HB 154**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR  
SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 154

An Act to repeal sections 210.565, 453.030, 475.010, 475.045, and 475.105, RSMo, and to enact in lieu thereof seven new sections relating to placement of children.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Purgason, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **HB 246**, with **SA 1**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 246

The Conference Committee appointed on House Committee Substitute for House Bill No. 246, with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for House Bill No. 246, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 246;
3. That the attached Conference Committee Substitute for House Committee Substitute for House Bill No. 246, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Tom Loehner

/s/ Don Ruzicka

FOR THE SENATE:

/s/ Chuck Purgason

/s/ Jack Goodman

/s/ Charlie Schlottach

/s/ Dan Clemens

/s/ Belinda Harris

/s/ Joan Bray

/s/ Michael Brown

/s/ Frank A. Barnitz

Senator Purgason moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Purgason, **CCS** for **HCS** for **HB 246**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 246

An Act to repeal sections 444.765, 444.766, 444.770, and 444.774, RSMo, and to enact in lieu thereof four new sections relating to surface mining and gravel excavation.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Bartle moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 62**, as amended, and grant the House a conference thereon, which motion prevailed.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 44**: Senators Pearce, Lager, Schmitt, Green and Bray.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 734**, as amended: Senators Lager, Scott, Engler, Bray and Shoemyer.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 577**, as amended: Senators Rupp, Goodman, Dempsey, Shoemyer and Callahan.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 62**, as amended: Senators Bartle, Mayer, Clemens, Justus and McKenna.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 26**, as amended: Senators Ridgeway, Bartle, Scott, Callahan and Justus.

### **HOUSE BILLS ON THIRD READING**

At the request of Senator Griesheimer, **HCS** for **HB 1075**, with **SCS**, was placed on the Informal Calendar.

**HJR 11**, introduced by Representative McGhee, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to pray.

Was taken up by Senator Scott.

Senator Scott offered **SS** for **HJR 11**, entitled:

### **SENATE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 11**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to religious freedom.

Senator Scott moved that **SS** for **HJR 11** be adopted.

At the request of Senator Scott, **HJR 11**, with **SS** (pending), was placed on the Informal Calendar.

**HJR 37**, introduced by Representative Cunningham, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the

Constitution of Missouri, and adopting one new section relating to guaranteeing the right to vote by secret ballot.

Was taken up by Senator Goodman.

Senator Green offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend House Joint Resolution No. 37, Page 1, Section 35, Line 3, by striking said line and inserting in lieu thereof the following: “**on initiatives or referendum**”; and

Further amend page 2, same section, lines 4-5, by striking said lines.

Senator Green moved that the above amendment be adopted.

At the request of Senator Goodman, **HJR 37**, with **SA 1** (pending), was placed on the Informal Calendar.

**HJR 15**, introduced by Representative Chappelle-Nadal, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to property tax exemption.

Was taken up by Senator Schaefer.

On motion of Senator Schaefer, **HJR 15** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Bray	Clemens	Vogel—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**PRIVILEGED MOTIONS**

Senator Goodman moved that the conference be dissolved on **HCS** for **SCS** for **SBs 36** and **112** and that **SCS** for **SBs 36** and **112**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.



**HCS for SCS for SBs 36 and 112**, entitled,

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 36 and 112

An Act to repeal sections 566.030 and 566.060, RSMo, and to enact in lieu thereof two new sections relating to the penalties for certain forcible sexual offenses committed against children, with penalty provisions.

Was taken up.

Senator Goodman moved that **HCS for SCS for SBs 36 and 112** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green                Vogel—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Goodman, **HCS for SCS for SBs 36 and 112** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green                Vogel—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON THIRD READING

Senator Mayer moved that **SS** for **HCS** for **HBs 46** and **434**, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Mayer offered **SS** for **HCS** for **HBs 46** and **434**, entitled:

#### SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 46 and 434

An Act to repeal sections 188.027 and 188.039, RSMo, and to enact in lieu thereof three new sections relating to abortion, with an expiration date for a certain section.

Senator Mayer moved that **SS** for **HCS** for **HBs 46** and **434** be adopted, which motion prevailed.

On motion of Senator Mayer, **SS** for **HCS** for **HBs 46** and **434** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Crowell	Cunningham	Dempsey	Engler
Goodman	Griesheimer	Lager	Lembke	Mayer	McKenna	Nodler	Pearce
Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer

Stouffer—25

#### NAYS—Senators

Bray	Clemens	Days	Justus	Smith	Wilson	Wright-Jones—7
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#### Absent—Senators

Green	Vogel—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker

has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 734**, as amended. Representatives: Ruzicka, Emery, Bivins, Fischer (107) and Witte.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 83** and has taken up and passed **SCS** for **HB 83**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 580**, as amended, and has taken up and passed **SCS** for **HCS** for **HB 580**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 152** and has taken up and passed **SCS** for **HCS** for **HB 152**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 652** and has taken up and passed **HB 652**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 283** and has taken up and passed **SCS** for **HB 283**.

### **REFERRALS**

President Pro Tem Shields referred **HCS** for **HBs 620** and **671** to the Committee on Governmental Accountability and Fiscal Oversight.

### **RESOLUTIONS**

Senator Schaefer offered Senate Resolution No. 1155, regarding the 2008-2009 Big 12 Champion University of Missouri softball team, which was adopted.

Senator McKenna offered Senate Resolution No. 1156, regarding Gale R. Jamison, Fenton, which was adopted.

Senator Goodman offered Senate Resolution No. 1157, regarding Kailey A. Honeycutt, which was adopted.

Senator Clemens offered Senate Resolution No. 1158, regarding R. Cooper Rowden, which was adopted.

Senator Engler offered Senate Resolution No. 1159, regarding Sharron Archer, which was adopted.

Senator Engler offered Senate Resolution No. 1160, regarding Carol Crocker, which was adopted.

Senator Engler offered Senate Resolution No. 1161, regarding Sharon Beckham, which was adopted.

Senator Purgason offered Senate Resolution No. 1162, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Blackburn, Bucyrus, which was adopted.

Senator Goodman offered Senate Resolution No. 1163, regarding Ila Marie Morrow, California, which was adopted.

Senator Justus offered Senate Resolution No. 1164, regarding Francisco Trigo, Lee's Summit, which was adopted.

On motion of Senator Engler, the Senate adjourned until 9:15 a.m., Thursday, May 14, 2009.

## SENATE CALENDAR

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SEVENTY-FIRST DAY—THURSDAY, MAY 14, 2009

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## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 546-Schmitt, et al  
SB 545-Schmitt

SB 222-Goodman, with SCS  
SB 391-Schaefer, with SCS

### HOUSE BILLS ON THIRD READING

HB 65-Wilson (119), et al (Pearce)  
(In Fiscal Oversight)  
HCS for HBs 320, 39 & 662 (Mayer)  
(In Fiscal Oversight)  
HB 86-Sutherland (Lager)  
(In Fiscal Oversight)  
HCS for HB 681 (Pearce)  
(In Fiscal Oversight)

HCS for HBs 187 & 235, with SCS  
(Bartle) (In Fiscal Oversight)  
HB 69-Storch, with SCS  
HCS for HB 316, with SCS (Schmitt)  
HCS for HBs 620 & 671  
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce and Smith, with SCS &  
SS#3 for SCS (pending)  
SB 57-Stouffer, with SCS & SA 1 (pending)  
SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for SCS  
(pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)  
SB 228-Scott, with SCS, SS for SCS,  
SA 12, SSA 1 for SA 12 & SA 1 to SSA 1  
for SA 12 (pending)

SB 236-Lembke  
SB 254-Barnitz, with SS (pending)  
SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS & SS#3 for SCS (pending)  
SB 264-Mayer  
SB 267-Mayer and Green, with SA 1 (pending)  
SB 284-Lembke, et al, with SA 1 (pending)  
SB 299-Griesheimer, with SCS & SS for SCS  
(pending)  
SB 321-Days, et al, with SCS (pending)  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)  
SB 527-Nodler and Bray  
SB 555-Lager, with SCS, SS for SCS & SA 2  
(pending)  
SB 569-Lembke, with SCS  
SB 572-Dempsey and Justus  
SJR 12-Scott, with SCS (pending)

HOUSE BILLS ON THIRD READING

HB 30-Brandom, et al, with SCS & SS for  
SCS (pending) (Goodman)  
HCS for HB 96, with SCS (Mayer)  
HCS for HBs 128 & 340, with SA 1  
(pending) (Scott)  
HB 170-Cox, et al, with SCS & SS for SCS  
(pending) (Stouffer)  
HCS for HB 191, with SCS & SS for SCS  
(pending) (Griesheimer)  
HCS for HB 228, with SCS & SS for SCS  
(pending) (Lembke)  
HB 229-Ervin, with SCS, SS for SCS,  
SA 8, SSA 1 for SA 8 & SA 1 to SSA 1  
for SA 8 (pending) (Dempsey)

HB 258-Jones (89), et al, with SCS & SA 1  
(pending) (Rupp)  
HB 287-Day, et al, with SS (pending) (Mayer)  
HCS for HB 481 (Lembke)  
HB 488-Schad, et al, with SCS (pending)  
(Pearce)  
HCS for HB 495, with SCS, SS for SCS,  
SA 1, SSA 2 for SA 1 & SA 1 to SSA 2  
for SA 1 (pending) (Griesheimer)  
HCS for HBs 658 & 706 (Clemens)  
HB 659-Dusenbergh, et al, with SCS & SA 1  
(pending) (Bartle)  
HCS for HB 795, with SCS & SA 1 (pending)  
(Purgason)

HB 802-Tracy, et al (Crowell)  
 HCS for HB 1075, with SCS (Griesheimer)  
 HCS for HJR 10, with SS (pending) (Lembke)  
 HJR 11-McGhee, et al, with SS (pending)  
 (Scott)

HCS for HJR 32, with SCA 1 & SA 1 to  
 SCA 1 (pending) (Schaefer)  
 HJR 37-Cunningham, with SA 1 (pending)  
 (Goodman)

## CONSENT CALENDAR

### House Bills

Reported 4/15

HCS for HBs 234 & 493 (Shoemyer)

## SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 71-Stouffer, with HCS,  
 as amended  
 SB 215-Shields, with HCS, as amended  
 SB 263-Mayer, with HCS  
 SB 377-Rupp, with HCS, as amended

SB 485-Pearce, with HCS, as amended  
 SB 526-Clemens, with HA 1, HA 2, HA 3  
 & HA 4  
 SCS for SB 563-Smith, with HCS

## BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

### In Conference

SB 26-Ridgeway, with HCS, as amended  
 SCS for SB 44-Pearce, with HCS  
 SB 171-Griesheimer, with HCS, as amended  
 SCS for SB 216-Scott, with HCS, as amended  
 (Senate adopted CCR and passed the bill)  
 SB 262-Bartle, with HCS, as amended  
 SB 386-Lager, with HCS, as amended  
 SB 435-Lembke, with HCS  
 (Senate adopted CCR and passed CCS)  
 HCS for HB 62, with SS for SCS, as amended  
 (Bartle)

HCS for HB 376-Hobbs, et al, with SS for  
 SCS, as amended (Griesheimer)  
 HCS for HB 577, with SS for SCS,  
 as amended (Rupp)  
 HB 734-Ruzicka and Hobbs, with SS for  
 SCS, as amended (Lager)  
 HB 745-Loehner, et al, with SCS,  
 as amended (Clemens)

### Requests to Recede or Grant Conference

SB 114-Crowell, with HCS#2, as amended

(Senate requests House recede

or grant conference)  
SS for SCS for SB 306-Dempsey, et al,  
with HCS, as amended  
(Senate requests House recede  
or grant conference)

SS for SCS for SB 539-Schaefer, with  
HCS, as amended  
(Senate requests House recede  
or grant conference)

## RESOLUTIONS

### Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS &  
SS for SCS (pending)  
SCR 11-Bartle, et al  
SCR 14-Schmitt

SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt  
HCS for HCR 4 (Lager)

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# Journal of the Senate

FIRST REGULAR SESSION

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**SEVENTY-FIRST DAY—THURSDAY, MAY 14, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“A man who governs his passions is master of the world. We must either command them, or be enslaved by them. It is better to be a hammer than an anvil.” (St. Dominic)

Merciful Father, You know we are tired and at this time of the year our patience gets thin and our frustrations increase. So help us govern our passions so what we say is kind and conveys the meaning of what we are attempting to do here. May we deal fairly and openly with one another and work the work You would have us complete. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV, KRCG-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Engler offered Senate Resolution No. 1165, regarding Joyce LaVerne Mehner, which was adopted.

Senator Pearce offered Senate Resolution No. 1166, regarding Jonathon Hilton, which was adopted.

**HOUSE BILLS ON THIRD READING**

**HB 69**, with **SCS**, introduced by Representative Storch, entitled:

An Act to repeal section 135.327, RSMo, and to enact in lieu thereof one new section relating to the special needs child adoption tax credit.

Was taken up by Senator Champion.

**SCS** for **HB 69**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 69**

An Act to repeal section 135.327, RSMo, and to enact in lieu thereof one new section relating to the special needs child adoption tax credit.

Was taken up.

Senator Cunningham assumed the Chair.

Senator Champion moved that **SCS** for **HB 69** be adopted.

At the request of Senator Champion, **HB 69**, with **SCS** (pending), was placed on the Informal Calendar.

**HCS** for **HB 1075**, with **SCS**, entitled:

An Act to repeal sections 285.309, 288.040, 288.050, 288.062, 288.130, 288.160, 288.170, 288.250, and 288.330, RSMo, and to enact in lieu thereof nine new sections relating to unemployment compensation, with penalty provisions and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Griesheimer.

**SCS** for **HCS** for **HB 1075**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1075**

An Act to repeal section 288.330, RSMo, and to enact in lieu thereof one new section relating to unemployment compensation, with an emergency clause.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 1075** be adopted.

Senator Callahan offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1075, Page 7,

Section 288.330, Line 226, by inserting after all of said line the following:

**“288.501. Notwithstanding any other provision of law to the contrary:**

**(1) If a claimant does not have sufficient wages in the base period to be an insured worker, as those terms are defined in section 288.030, the individual's base period shall be the four most recently completed calendar quarters preceding the first day of the individual's benefit year. Such base period shall be known as the “alternate base period”. If information as to wages for the most recent quarter of the alternate base period is not available to the deputy from the regular quarterly reports of wage information, which are systematically accessible, the deputy may base the determination of eligibility for benefits on the affidavit of the claimant with respect to wages for that calendar quarter. The claimant shall furnish payroll documentation, where available, in support of the affidavit. The determination based upon the alternate base period as it relates to the claimant's benefit rights shall be amended if the quarterly report of wage information from the employer is timely received and that information causes a change in the determination. No calendar quarter in a base period or alternate base period for a claimant's current benefit year shall be used to establish a subsequent benefit year.**

**(2) The claimant shall not be disqualified from unemployment compensation for separating from employment if that separation is for any compelling family reason. For the purposes of this section, the term “compelling family reason” shall mean:**

**(a) The illness or disability of a member of the claimant's immediate family, which shall include the claimant's spouse, parent, or minor child under the age of eighteen;**

**(b) The need for the claimant to accompany such claimant's spouse to a location from which it is impractical for the claimant to commute and due to a change in location of the spouse's employment;**

**(c) Domestic violence, verified by reasonable and confidential documentation, which causes the claimant reasonably to believe that the claimant's continued employment would jeopardize the safety of the claimant or of any member of the claimant's family, as defined by the United States Secretary of Labor.**

**(3) A claimant who has commenced training under the Workforce Investment Act of 1998, or director-approved training under section 288.055, and has exhausted the claimant's regular unemployment benefits shall be eligible for additional unemployment benefits, not to exceed twenty-six times the claimant's weekly benefit amount. The weekly benefit amount shall be the same as the claimant's regular weekly benefit amount and shall be paid under the same terms and conditions as regular benefits. These training benefits shall be paid after any extended benefits or any similar benefits paid by a federally funded program.**

**(4) Priority for training funds provided under subdivision (3) of this section shall be given to claimants laid off through no fault of their own from Missouri automobile manufacturing facilities.**

**(5) No charges shall be made against an employer's account in respect to benefits paid to a claimant under this section.**

**(6) The director shall separately track payments that were made under this section. Once the amount of payments exceeds the amount of federal incentive funds made available because of the enactment of this section, the unemployment compensation fund shall be reimbursed from general revenue for all subsequent payments to the claimants.**

**(7) The provisions of this section shall be subject to renewal in the second regular session of the ninety-fifth general assembly. If not renewed, the provisions of this section shall expire once the funds provided under the American Recovery and Reinvestment Act of 2009 are expended as provided in this section.**

**(8) The provisions of this section shall not take effect, and no benefits paid under this section, unless first certified by the United States Secretary of Labor under 42 U.S.C.1103, as amended by the American Recovery and Reinvestment Act of 2009.”; and**

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 2:**

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1075, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“288.130. 1. Each employing unit shall keep true and accurate payroll and other related records, containing such information as the division may by regulation prescribe for a period of at least three calendar years after the record was made. Such records shall be open to inspection and be subject to being copied by authorized representatives of the division at any reasonable time and as often as may be necessary. Any authorized person engaged in administering this law may require from any employing unit any sworn or unsworn reports, with respect to individuals performing services for it, which are deemed necessary for the effective administration of this law.

2. All employers [required to report W-2 copy A information on magnetic media tape to the Social Security Administration pursuant to 26 CFR Section 301.6011-2, or successor regulations,] **with fifty or more workers** are [likewise] required to report quarterly wage information due pursuant to section 288.090 to the division [on magnetic tape or diskette in a format prescribed by the division] **and to the director of revenue in an electronic format prescribed by the division.**

3. Each employer shall post and maintain in places readily accessible to the employer's workers printed statements concerning benefit rights, claims for benefits and such other matters related to the administration of this law as the division may by regulation prescribe. Each employer shall supply to workers copies of any printed statements relating to claims for benefits when and as the division may by regulation prescribe. Such printed statements and other materials shall be supplied by the division without cost.

4. A deputy shall make an ex parte determination after investigation but without hearing with respect to any matter pertaining to the liability of an employing unit which does not involve a claimant. The deputy shall promptly notify any interested employing units of each such determination and the reason for it. The division shall grant a hearing before an appeals tribunal to any employing unit appealing from any such ex parte determination provided an appeal is filed in writing within thirty days following the date of notification or the mailing of such determination to the party's last known address. In the absence of an appeal any such determination shall become final at the expiration of a thirty-day period. The deputy may, however, at any time within a year from the date of the deputy's determination, for good cause, reconsider the determination and shall promptly notify all interested employing units of his amended determination and the reason for it.

5. The thirty-day period provided in subsection 4 of this section may, for good cause, be extended.”; and  
Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 1075**, as amended, be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

On motion of Senator Griesheimer, **SCS** for **HCS** for **HB 1075**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer moved that **HCS** for **HB 191**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Lager, **SS** for **SCS** for **HCS** for **HB 191**, as amended, was withdrawn.

Senator Lager offered **SS No. 2** for **SCS** for **HCS** for **HB 191**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 191

An Act to repeal sections 32.105, 99.820, 99.865, 99.1205, 100.286, 100.760, 100.770, 100.850, 105.145, 135.155, 135.352, 135.535, 135.680, 135.766, 135.800, 135.802, 135.805, 147.010, 208.770, 238.207, 238.212, 238.235, 253.545, 253.550, 253.559, 338.337, 447.708, 610.021, 620.014, 620.017, 620.472, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof thirty-eight new sections relating to taxation, with penalty provisions and an emergency clause for a certain section.

Senator Lager moved that **SS No. 2** for **SCS** for **HCS** for **HB 191** be adopted.

Senator Rupp assumed the Chair.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Pages 9-19, Section 99.820, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Dempsey assumed the Chair.

Senator Smith offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 92, Section 253.550, Line 16, by inserting immediately after the number "2010," the following:

**"for rehabilitations of eligible property with total costs and expenditures of rehabilitation greater than one million three hundred thousand dollars,"**; and

Further amend said bill and section, page 93, line 5, by inserting immediately after the word "section," the following:

**"for rehabilitations of eligible property with total costs less than or equal to one million three hundred thousand dollars or".**

Senator Smith moved that the above amendment be adopted.

At the request of Senator Griesheimer, **HCS** for **HB 191**, with **SCS, SS No. 2** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 539**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS No. 2** for **SB 114**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 435** and has taken up and passed **CCS** for **HCS** for **SB 435**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 745**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 745**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 216**, as amended, and has taken up and passed **SCS** for **SB 216**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1075**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 27**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 376**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 539**, as amended. Representatives: Ruzicka, Brown (30), Emery, Rucker and Harris.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS No. 2** for **SB 114**, as amended. Representatives: Tracy, Lipke, Cox, Meadows and Colona.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 176**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Alzheimer's state plan task force, with an expiration date.

In which the concurrence of the Senate is respectfully requested.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 539**, as amended: Senators Schaefer, Clemens, Stouffer, Shoemyer and Bray.

### **RESOLUTIONS**

Senator Shields offered Senate Resolution No. 1167, regarding Ms. Amber Lusk, which was adopted.

Senator Shields offered Senate Resolution No. 1168, regarding Mrs. Rachel Carroll, which was adopted.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Shields.

### **RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 1169, regarding Jacob Ward, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1170, regarding Luke Sievers, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1171, regarding Tom Gilliland, Jackson, which was

adopted.

Senator Crowell offered Senate Resolution No. 1172, regarding Aaron Lee Bell, East Prairie, which was adopted.

Senator Crowell offered Senate Resolution No. 1173, regarding Blaire Elizabeth Peters, Bertrand, which was adopted.

Senator Crowell offered Senate Resolution No. 1174, regarding Nikki Marlene Moll, Oak Ridge, which was adopted.

Senator Crowell offered Senate Resolution No. 1175, regarding Rebekah Jean Seabaugh, which was adopted.

Senator Lembke offered Senate Resolution No. 1176, regarding Lisa Vaughn, St. Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1177, regarding Joseph Szatkowski, Crestwood, which was adopted.

Senator Champion offered Senate Resolution No. 1178, regarding Forrest Randolph Hall, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1179, regarding Steven Christopher Sanocki, Columbia, which was adopted.

Senator Champion offered Senate Resolution No. 1180, regarding Rachel Hassani, which was adopted.

Senator Clemens offered Senate Resolution No. 1181, regarding Jordan Donaldson, Ozark, which was adopted.

Senator Clemens offered Senate Resolution No. 1182, regarding Alex Ndikum, Springfield, which was adopted.

Senator Clemens offered Senate Resolution No. 1183, regarding Timothy Peacock, Ozark, which was adopted.

Senator Shields offered Senate Resolution No. 1184, regarding Jake Wendling, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1185, regarding Tyler Hiatt, Smithville, which was adopted.

Senator Shields offered Senate Resolution No. 1186, regarding Dillon Vulgamott, Kansas City, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 156**, begs leave to report that it has considered the same and recommends that the bill do pass.



**REFERRALS**

President Pro Tem Shields referred **HB 156** to the Committee on Governmental Accountability and Fiscal Oversight.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 250** and has taken up and passed **SCS** for **HCS** for **HB 250**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 37**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SS** for **SB 291**, entitled:

An Act to repeal sections 115.121, 160.011, 160.041, 160.254, 160.400, 160.405, 160.410, 160.534, 160.730, 161.072, 161.122, 162.431, 162.492, 163.011, 163.031, 163.043, 167.031, 167.126, 167.275, 168.021, 168.133, 168.221, 168.251, 171.031, 171.033, 177.088, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof fifty-five new sections relating to education, with an effective date for a certain section and an emergency clause for certain sections.

With House Amendment Nos. 1 and 2.

**HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Bill No. 291, Section 167.031, Page 54, Line 74, by inserting after all of said line the following:

**“7. For purposes of subsection 2 of this section as applied in subsection 6 herein, a completed credit towards high school graduation shall be defined as one hundred hours or more of instruction in a course. Home school education enforcement and records pursuant to this section, and sections 210.167 and 211.031, RSMo, shall be subject to review only by the local prosecuting attorney.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 2**

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Bill No. 291, Page 54, Section 167.031, Line 70, by deleting all of said Line and inserting in lieu thereof the following:

**“(2) Seventeen [Sixteen] years of age or having successfully completed sixteen credits towards high”; and**

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 62**, as amended. Representatives: Lipke, Keeney, Cox, Roorda and Burnett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 390** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HCS** for **HBs 46** and **434** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 480**, entitled:

An Act to repeal sections 8.001, 8.003, and 8.007, RSMo, and to enact in lieu thereof four new sections relating to state boards and commissions.

In which the concurrence of the Senate is respectfully requested.

### **REPORTS OF STANDING COMMITTEES**

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HBs 620** and **671**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **PRIVILEGED MOTIONS**

Senator Stouffer moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 71**, as amended, and request the House to recede from its position and take up and pass **SCS** for **SB 71**, which motion prevailed.

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **SCS** for **HCS** for **HB 236**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

President Kinder assumed the Chair.

### **PRIVILEGED MOTIONS**

Senator Pearce moved that the Senate refuse to concur in **HCS** for **SB 485**, as amended, and request the

House to recede from its position and take up and pass **SB 485**, which motion prevailed.

Senator Griesheimer moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1075**, as amended, and grant the House a conference thereon, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1075**, as amended: Senators Griesheimer, Rupp, Dempsey, Callahan and Justus.

### PRIVILEGED MOTIONS

Senator Mayer moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HBs 46** and **434**, and request the House take up and pass **SS** for **HCS** for **HBs 46** and **434**, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Rupp moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 390**, and grant the House a conference thereon, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 390**: Senators Rupp, Schaefer, Schmitt, McKenna and Green.

### PRIVILEGED MOTIONS

Senator Shields moved that **SS** for **SB 291**, with **HCS No. 2**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS No. 2** for **SS** for **SB 291**, as amended, entitled:

#### HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 291

An Act to repeal sections 115.121, 160.011, 160.041, 160.254, 160.400, 160.405, 160.410, 160.534, 160.730, 161.072, 161.122, 162.431, 162.492, 163.011, 163.031, 163.043, 167.031, 167.126, 167.275, 168.021, 168.133, 168.221, 168.251, 171.031, 171.033, 177.088, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof fifty-five new sections relating to education, with an effective date for a certain section and an emergency clause for certain sections.

Was taken up.

Senator Shields moved that **HCS No. 2** for **SS** for **SB 291**, as amended, be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bartle                      Crowell                      Purgason—3

Absent—Senators

Griesheimer                      Scott—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Shields, **HCS No. 2** for **SS** for **SB 291**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bartle                      Crowell                      Purgason—3

Absent—Senators

Griesheimer                      Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senator Bartle—1

Absent—Senators

Green                      Griesheimer                      Scott—3

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shoemyer moved that **SB 480**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 480**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 480

An Act to repeal sections 8.001, 8.003, and 8.007, RSMo, and to enact in lieu thereof four new sections relating to state boards and commissions.

Was taken up.

Senator Shoemyer moved that **HCS** for **SB 480** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Champion	Green	Scott—3
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Shoemyer, **HCS** for **SB 480** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Champion	Green	Ridgeway	Scott—4
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shoemyer, title to the bill was agreed to.

Senator Shoemyer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Pearce assumed the Chair.

Senator Clemens, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 745**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 745

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 745, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 1 to Senate Amendment No. 3, and Senate Amendment No. 3 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 745, as amended;
2. That the House recede from its position on House Bill No. 745;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 745, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Tom Loehner  
/s/ Billy Pat Wright  
/s/ Rodney Schad  
/s/ Terry L. Witte  
/s/ Belinda Harris

FOR THE SENATE:

/s/ Dan Clemens  
/s/ Chuck Purgason  
/s/ Robert Mayer  
/s/ Victor E. Callahan  
/s/ Rita Heard Days

Under the provisions of Senate Rule 91, Senators Shoemyer, Barnitz and Stouffer were excused from voting on the adoption of the conference committee report and 3rd reading of the bill.

Senator Clemens moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Smith	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators—None

Absent—Senators

Champion      Scott—2

Absent with leave—Senators—None

Excused from voting—Senators

Barnitz      Shoemyer      Stouffer—3

Vacancies—None

On motion of Senator Clemens, **CCS** for **SCS** for **HB 745**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 745

An Act to repeal section 34.070, RSMo, and to enact in lieu thereof one new section relating to state purchasing.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Smith	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators—None

Absent—Senators

Champion      Scott—2

Absent with leave—Senators—None

Excused from voting—Senators

Barnitz      Shoemyer      Stouffer—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Stouffer assumed the Chair.

# CONCURRENT RESOLUTIONS

Senator Clemens moved that **SCR 21** be taken up for adoption, which motion prevailed.

On motion of Senator Clemens, **SCR 21** was adopted by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Purgason Scott—2

Absent with leave—Senators—None

Vacancies—None

# HOUSE BILLS ON THIRD READING

At the request of Senator Schmitt, **HCS** for **HB 316**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HBs 620** and **671**, entitled:

An Act to repeal sections 313.010, 313.015, 313.040, 313.045, 313.050, 313.055, and 313.057, RSMo, and to enact in lieu thereof six new sections relating to bingo, with penalty provisions.

Was taken up by Senator Pearce.

Senator Pearce offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 620 and 671, Page 5, Section 313.040, Lines 104-108, by striking all opening and closing brackets on said lines and all underlined words on said lines.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Pearce, **HCS** for **HBs 620** and **671**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Justus	Lager	Lembke	Mayer	McKenna	Nodler	Pearce
Purgason	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Smith	Vogel
Wilson	Wright-Jones—26						

NAYS—Senators

Bartle Goodman Stouffer—3



Absent—Senators

Barnitz                  Green                  Griesheimer                  Ridgeway                  Scott—5

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Shields.

### RESOLUTIONS

Senator Pearce offered Senate Resolution No. 1187, regarding the One Hundredth Anniversary of Community of Christ, Warrensburg, which was adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 390**. Representatives: Nolte, Parkinson, Wilson (130), Chappelle-Nadal and Schoemehl.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1075**, as amended. Representatives: Fisher (125), Jones (89), Funderburk, Walsh and Frame.

### HOUSE BILLS ON THIRD READING

Senator Griesheimer moved that **HCS** for **HB 191**, with **SCS**, **SS No. 2** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 2** was again taken up.

At the request of Senator Smith, the above amendment was withdrawn.

Senator Lager offered **SA 3**, which was read:

### SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for

House Bill No. 191, Pages 47-52, Section 135.535, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 121, Section 620.472, Line 19, by inserting immediately after all of said line the following:

“620.1039. 1. As used in this section, the term “taxpayer” means an individual, a partnership, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, RSMo, or a corporation as described in section 143.441 or 143.471, RSMo, or section 148.370, RSMo, and the term “qualified research expenses” has the same meaning as prescribed in 26 U.S.C. 41. **The term “taxpayer” shall not include any individual, partnership, or charitable organization which receives tax credits under the provisions of section 620.1041.**

2. For tax years beginning on or after January 1, 2001, the director of the department of economic development may, **subject to appropriation**, authorize a taxpayer to receive a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in an amount up to [six and one-half] **ten** percent of the [excess] **amount** of the taxpayer's qualified research expenses, as certified by the director of the department of economic development, within this state during the taxable year [over the average of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years; except that, no tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years], **or in the case of qualified research expenses incurred in a distressed community as defined under section 135.530, RSMo, in an amount equal to twenty-five percent of the amount of the qualified research expenses. In order to receive tax credits provided under this section, a taxpayer shall:**

**(1) Employ no more than two hundred twenty-five employees, with at least seventy-five percent of such employees based within the state; and**

**(2) Be engaged on a for-profit basis in the development of medical instruments and devices, medical diagnostics or therapeutics, plant science products, pharmaceutical, or veterinary products with agricultural applications.**

3. The director of economic development shall prescribe the manner in which the tax credit may be applied for. The tax credit authorized by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that becomes due in the tax year during which such qualified research expenses were incurred. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years or until the full credit has been claimed, whichever first occurs. The application

for tax credits authorized by the director pursuant to subsection 2 of this section shall be made no later than the end of the taxpayer's tax period immediately following the tax period for which the credits are being claimed.

4. Certificates of tax credit issued pursuant to this section may be transferred, sold or assigned by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credit transferred. The director of economic development may allow a taxpayer to transfer, sell or assign up to forty percent of the amount of the certificates of tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year commencing on or after January 1, [1996] **2010**, and ending not later than December 31, [1999] **2016**. Such taxpayer shall file, by December 31, [2001] **2018**, an application with the department which names the transferee, the amount of tax credit desired to be transferred, and a certification that the funds received by the applicant as a result of the transfer, sale or assignment of the tax credit shall be expended within three years at the state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer and the state university. Failure to expend such funds in the manner prescribed pursuant to this section shall cause the applicant to be subject to the provisions of section 620.017.

5. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. [The aggregate of all tax credits authorized pursuant to this section shall not exceed nine million seven hundred thousand dollars in any year

7. For all tax years beginning on or after January 1, 2005, no tax credits shall be approved, awarded, or issued to any person or entity claiming any tax credit under this section.] **The total amount of tax credits provided under this section, which may be authorized in fiscal year 2010 and each fiscal year thereafter, shall not exceed the lesser of the amount appropriated by the general assembly or three million dollars. No tax credits provided under the provisions of this section shall be authorized after June 30, 2015. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to June 30, 2015, or a taxpayer's ability to redeem such tax credits.**

**7. For fiscal year 2010 and each fiscal year thereafter, no more than one million dollars in tax credits shall be made available for qualified research expenses incurred outside a distressed community. No more than five hundred thousand dollars in tax credits shall be issued annually under this section to any taxpayer for qualified research expenses, unless such research expenses are incurred by a taxpayer in a distressed area, in which case no more than one million dollars in tax credits may be issued to such taxpayer annually. No taxpayer shall simultaneously receive tax credits under the provisions of this section and section 620.1041.**

**8. Authorization for all or a part of the tax credits reserved for expenses incurred in a distressed**

community, under the provisions of subsection 7 of this section, shall not restrict eligibility of a taxpayer to receive remaining credits for other qualified research expenses incurred in a distressed community.

**620.1041. 1.** As used in this section, the term “taxpayer” means an individual, a partnership, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, RSMo, or a corporation as described in section 143.441 or 143.471, RSMo, or section 148.370, RSMo, and the term “qualified research expenses” has the same meaning as prescribed in 26 U.S.C. 41, except that such qualified research expenses shall be limited to those incurred in the research and development of agricultural biotechnology, plant genomics products, diagnostic and therapeutic medical devices, prescription pharmaceuticals consumed by humans or animals, electronic patient health record technology, or qualified research expenses incurred in the research, development or manufacture of power system technology for aerospace, space, defense, alternative energy, alternative energy vehicles, or implantable or wearable medical devices. The term “taxpayer” shall not include any individual, partnership, or charitable organization which receives tax credits under the provisions of section 620.1039.

**2.** For tax years ending after January 1, 2009, the director of the department of economic development may, subject to appropriation, authorize a taxpayer to receive a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, based upon the amount by which the taxpayer's qualified research expenses exceed the average, as certified by the director of the department of economic development, of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years, as follows:

(1) Three percent of the amount of increase in qualified research expenses paid or incurred during the taxable year which does not exceed two million five hundred thousand dollars;

(2) Five percent of the amount of increase in qualified research expenses paid or incurred during the taxable year which exceeds two million five hundred thousand dollars but does not exceed five million dollars; and

(3) Seven and one-half percent of the amount of increase in qualified research expenses paid or incurred during the taxable year which exceeds five million dollars.

Provisions of this subsection to the contrary notwithstanding, no tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years.

**3.** The director of economic development shall prescribe the manner in which the taxpayer may apply for the tax credit. The tax credit authorized by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that becomes due in the tax year during which such qualified research expenses were incurred; provided that if the return required to be filed pursuant to section 143.511, RSMo, or section 148.050, RSMo, for such tax year has already been filed, the taxpayer may claim the tax credit authorized by this section by claiming

the tax credit against the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, in the tax year following the tax year in which such qualified research expenses were incurred. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years after the tax year in which the credit was first claimed or until the full credit has been claimed, whichever first occurs. The application for tax credits authorized by the director pursuant to subsection 2 of this section shall be made no earlier than January first and no later than July first of the calendar year immediately following the calendar year in which the taxpayer's tax period for which the credits are being claimed ended. The director shall act on any such application for tax credits no sooner than August first but no later than August fifteenth of each year for applications filed in that calendar year.

4. Certificates of tax credit issued pursuant to this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credit transferred. The director of economic development may allow a taxpayer to transfer, sell, or assign up to forty percent of the amount of the certificates of tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year commencing on or after January 1, 2010, and ending not later than December 31, 2016. Such taxpayer shall file, by December 31, 2018, an application with the department which names the transferee, the amount of tax credit desired to be transferred, and a certification that the funds received by the applicant as a result of the transfer, sale, or assignment of the tax credit shall be expended within three years at the state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer, and the state university. Failure to expend such funds in the manner prescribed pursuant to this section shall cause the applicant to be subject to the provisions of section 620.017.

5. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to August 28, 2009, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 2009, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. The total amount of tax credits provided under this section, which may be authorized in fiscal year 2010 and each fiscal year thereafter, shall not exceed the lesser of the amount appropriated by the general assembly or seven million dollars. No tax credits provided under this section shall be authorized after June 30, 2015. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to June 30, 2015, or a taxpayer's ability to redeem such tax credits. In the event that total eligible claims for credits received in a fiscal year exceed the amount of tax credits available for authorization in such fiscal year, as provided under the provisions of this section, each eligible claimant shall be issued credits based upon the following formula: the eligible credits if the amount allocated had not been exceeded multiplied by the ratio of the allocation divided by the total of all eligible claims for credits filed in that fiscal year.

**7. No one taxpayer shall be issued more than thirty percent of the aggregate of all tax credits authorized under this section in any calendar year. No taxpayer shall simultaneously receive tax credits under the provisions of this section and section 620.1039.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, McKenna, Nodler and Smith.

**SA 4** was adopted by the following vote:

YEAS—Senators

Barnitz	Clemens	Crowell	Days	Dempsey	Goodman	Mayer	McKenna
Nodler	Pearce	Schaefer	Schmitt	Shoemyer	Smith	Vogel	Wilson
Wright-Jones—17							

NAYS—Senators

Bartle	Bray	Champion	Cunningham	Engler	Griesheimer	Justus	Lager
Lembke	Purgason	Ridgeway	Rupp	Scott	Shields	Stouffer—15	

Absent—Senators

Callahan	Green—2
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Absent with leave—Senators—None

Vacancies—None

Senator Crowell offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 99, Section 338.337, Line 20, by inserting immediately after all of said line the following:

**“348.273. As used in sections 348.273 and 348.274, the following terms shall mean:**

**(1) “Department”, the Missouri department of economic development;**

**(2) “Distressed community”, as defined in section 135.530, RSMo;**

**(3) “Equity investment”, money or money equivalent in consideration for qualified securities. An equity investment shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the Internal Revenue Code;**

**(4) “Investor”:**

**(a) An individual who is an accredited investor, as defined in 17 CFR 230.501(a) as in effect on August 28, 2009; or**

**(b) Any partnership, corporation, trust, limited liability company, or not-for-profit entity that was established and is operated for the purpose of making preseed and seed stage investments in start-up companies, and is approved by the department;**

(5) “Qualified Missouri business”, an independently owned and operated business which is headquartered and located in this state and which is in need of venture capital. Such business shall have no more than two hundred employees, eighty percent of which are employed in this state. Such business shall be involved in commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce but excluding retail, real estate, real estate development, insurance, and professional services provided by accountants, lawyers, or physicians. At the time approval is sought, such business shall be a small business concern that meets the requirements of the United States Small Business Administration's qualification size standards for its venture capital program, as defined in the Small Business Investment Act of 1958, as amended, and rules promulgated in 13 CFR 121.301(c), as amended;

(6) “Qualified securities”, securities that are not redeemable or repayable within seven years of issuance and that have been approved in form and substance by the department. Forms of such equity securities include:

(a) A general or limited partnership interest;

(b) Common stock;

(c) Preferred stock, with or without voting rights, without regard to seniority position, and whether or not convertible into common stock; or

(d) Convertible debt;

(7) “Rural area”, any city, town, or village with fewer than fifteen thousand inhabitants and located in any county that is not part of a standard metropolitan statistical area as defined by the United States Department of Commerce or its successor agency. However, any such city, town, or village located in any county so defined as a standard metropolitan statistical area may be designated a rural area by the department if:

(a) A substantial number of persons in such county derive their income from agriculture;

(b) The county has only one city within the county having a population of more than fifteen thousand and is classified as a standard metropolitan statistical area; and

(c) All other cities, towns, and villages in that county have a population of less than fifteen thousand.

**348.274. 1.** The department may, subject to appropriation, authorize tax credits to encourage equity investment into technology-based early stage Missouri companies.

**2.** If a qualified Missouri business is approved by the department, the investors who contribute the first five hundred thousand dollars in equity investment in the qualified Missouri business may be issued a tax credit in the year the equity investment is made. The tax credit shall be in a total amount equal to thirty percent of such investors' equity investment in any qualified Missouri business, subject to the limitations set forth in subsection 5 of this section. However, if the qualified Missouri business invested in is located in a rural area or a distressed community, the investors may be issued a tax credit for forty percent of such investment, subject to the limitations set forth in subsection 5 of this section.

**3. (1)** Before an investor may be entitled to receive tax credits, as authorized by this section, such investor shall have made an equity investment in a qualified security of a qualified Missouri business.

**This business shall have been approved by the department as a qualified Missouri business prior to the date on which the cash investment was made. To be designated as a qualified Missouri business, a business shall make application to the department in accordance with the provisions of this section. Such application shall be in form and substance as required by the department but shall include at least the following:**

- (a) The name of the business and certified copies of the organizational documents of the business;**
- (b) A business plan, including a description of the business and the management, product, market, and financial plan of the business;**
- (c) A statement of the business innovative and proprietary technology, product, or service;**
- (d) A statement of the potential economic impact of the enterprise including the number, location, and types of jobs expected to be created;**
- (e) A description of the qualified securities to be issued, the consideration to be paid for the qualified securities, the amount of any tax credits requested, and the earliest year in which the tax credits may be redeemed;**
- (f) A statement of the amount, timing, and projected use of the proceeds to be raised from the proposed sale of qualified securities; and**
- (g) Other information as the department may request, such as the names, addresses, and taxpayer identification numbers of all investors who may qualify for the tax credit. Such list of investors who may qualify for the tax credits shall be amended as new qualified securities are sold or as any information on the list changes.**

**(2) No business shall be designated as a qualified Missouri business unless such business meets all of the following criteria:**

- (a) The business shall not have had annual gross revenues of more than three million dollars in the most recent tax year of the business;**
- (b) The business shall not have ownership interests including, but not limited to, common or preferred shares of stock that can be traded by the public via a stock exchange, electronic exchange, bulletin board, or other public market place on or before the date that a qualifying investment is made;**
- (c) The business shall not be engaged primarily in any one or more of the following enterprises:**
  - a. The business of banking, savings and loan or lending institutions, credit or finance, or financial brokerage or investments;**
  - b. Professional services, such as legal, accounting or engineering services;**
  - c. Governmental, charitable, religious or trade organizations;**
  - d. The ownership, development, brokerage, sales, or leasing of real estate;**
  - e. Insurance;**
  - f. Construction or construction management or contracting;**
  - g. Business consulting or brokerage;**



**h. Any business engaged primarily as a passive business, having irregular or noncontinuous operations, or deriving substantially all of the income of the business from passive investments that generate interest, dividends, royalties, or capital gains, or any business arrangements the effect of which is to immunize an investor from risk of loss;**

**i. Any Missouri certified capital formation company;**

**j. Any activity that is in violation of the law; and**

**k. Any business raising money primarily to purchase real estate, land, or fixtures;**

**(d) The business shall satisfy all other requirements of this section.**

**(3) The portions of documents and other materials submitted to the department that contain trade secrets shall be kept confidential and shall be maintained in a secured environment by the director of the department. For the purposes of this section, such portions of documents and other materials shall mean any customer list, any formula, compound, production data, or compilation of information certain individuals within a commercial concern using such portions of documents and other material means to fabricate, produce, or compound an article of trade, or, any service having commercial value, which gives the user an opportunity to obtain a business advantage over competitors who do not know or use such service.**

**(4) A qualified Missouri business shall have the burden of proof to demonstrate to the department the qualifications of the business under this section and shall have the obligation to notify the department in a timely manner of any changes in the qualifications of the business or in the eligibility of investors to claim a tax credit for cash investment in a qualified security.**

**4. The designation of a business as a qualified Missouri business shall be made by the department, and such designation shall be renewed annually. A business shall be so designated if the department determines, based upon the application submitted by the business and any additional investigation the staff of the department shall make, that the following criteria have been or shall be satisfied:**

**(1) The business has a reasonable chance of success;**

**(2) The ability of investors in the business to receive tax credits for cash investments in qualified securities of the business is necessary because funding otherwise available for the business is not available on commercially reasonable terms;**

**(3) The business has the reasonable potential to create measurable employment within the state;**

**(4) The business has an innovative and proprietary technology, product, and service;**

**(5) The existing owners of the business and other founders have made or are committed to make a substantial financial and time commitment to the business;**

**(6) The securities to be issued and purchased are qualified securities; and**

**(7) Binding commitments have been made by the business to the department for adequate reporting of financial data, including a requirement for an annual report, or, if required by the department, an annual audit of the financial and operational records of the business, the right of access to the financial records of the business, and the right of the department to record and publish normal and customary data and information related to the issuance of tax credits that are not otherwise determined to be trade or business secrets.**

**5. The department shall not issue tax credits of more than fifty thousand dollars to an investor per investment into a single, qualified Missouri company, or for tax credits totaling more than one hundred thousand dollars in a single year per investor. The total amount of tax credits provided under the provisions of this section and section 348.273, which may be authorized in fiscal year 2010 and each fiscal year thereafter, shall not exceed the lesser of the amount appropriated by the general assembly or five million dollars. No tax credits provided under the provisions of this section and section 348.273, RSMo, shall be authorized after June 30, 2015. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to June 30, 2015, or a taxpayer's ability to redeem such tax credits.**

**6. This tax credit may be used in its entirety in the taxable year in which the equity investment is made or the credit may be carried forward for use in any of the next three consecutive tax years until the total amount of the credit is used. The tax credits may be sold, assigned, exchanged, or otherwise transferred.**

**7. Tax credits may be used against the tax otherwise due under chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo.**

**8. A qualified Missouri business for which credits have been issued that, within seven years of receiving tax credits under this section, relocates its headquarters out of Missouri, ceases to employ at least eighty percent of its employees in Missouri, alters the principal nature of its operations, or divests itself of key assets shall upon demand by the department pay the state of Missouri an amount equal to the amount of credits issued to its contributors.**

**9. In addition to reports by the businesses to the department, the department shall also provide in its annual report information on the marketing and use of the investor tax credits. This report shall include the following:**

**(1) The amount of tax credits used in the previous fiscal year, including what percentage was claimed by individuals and what percentage was claimed by firms and other entities;**

**(2) The types of businesses that benefited from the tax credits; and**

**(3) Any aggregate job creation or capital investment in Missouri that resulted from the use of the tax credits for a period of five years beginning from the date on which the tax credits were awarded.**

**In addition, the annual report shall provide information regarding what businesses deriving a benefit from the tax credits remained in Missouri, what businesses ceased doing business, what businesses were purchased, and what businesses may have moved out-of-state and the reason for such move.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion failed on a standing division vote.

### **PRIVILEGED MOTIONS**

Having voted on the prevailing side, Senator Schaefer moved that the vote by which **SA 4** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Barnitz

Bartle

Bray

Callahan

Champion

Cunningham

Days

Dempsey

Engler	Goodman	Griesheimer	Justus	Lager	Lembke	McKenna	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Stouffer	Wilson	Wright-Jones—27					

## NAYS—Senators

Clemens	Crowell	Mayer	Shoemyer	Smith	Vogel—6
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Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

**SA 4** was again taken up.

At the request of Senator Griesheimer, **HCS** for **HB 191**, with **SCS**, **SS No. 2** for **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

**INTRODUCTIONS OF GUESTS**

Senator Rupp introduced to the Senate, twenty-two fourth grade students from St. Ann Catholic School, St. Louis; and Michael Novak was made an honorary page.

On motion of Senator Engler, the Senate adjourned under the rules.

**SENATE CALENDAR**


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SEVENTY-SECOND DAY—FRIDAY, MAY 15, 2009

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**FORMAL CALENDAR****THIRD READING OF SENATE BILLS**

SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)

**SENATE BILLS FOR PERFECTION**

SB 546-Schmitt, et al  
SB 545-Schmitt

SB 222-Goodman, with SCS  
SB 391-Schaefer, with SCS

**HOUSE BILLS ON THIRD READING**

HB 65-Wilson (119), et al (Pearce)  
(In Fiscal Oversight)

HCS for HBs 320, 39 & 662 (Mayer)  
(In Fiscal Oversight)

HB 86-Sutherland (Lager)  
(In Fiscal Oversight)  
HCS for HB 681 (Pearce)  
(In Fiscal Oversight)

HCS for HBs 187 & 235, with SCS  
(Bartle) (In Fiscal Oversight)  
HB 156-Nance and Ruestman (Dempsey)  
(In Fiscal Oversight)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce and Smith, with SCS &  
SS#3 for SCS (pending)  
SB 57-Stouffer, with SCS & SA 1 (pending)  
SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for  
SCS (pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)  
SB 228-Scott, with SCS, SS for SCS, SA 12  
SSA 1 for SA 12 & SA 1 to SSA 1  
for SA 12 (pending)  
SB 236-Lembke

SB 254-Barnitz, with SS (pending)  
SBs 261, 159, 180 & 181-Bartle and  
Goodman, with SCS & SS#3 for SCS  
(pending)  
SB 264-Mayer  
SB 267-Mayer and Green, with SA 1  
(pending)  
SB 284-Lembke, et al, with SA 1 (pending)  
SB 299-Griesheimer, with SCS & SS for  
SCS (pending)  
SB 321-Days, et al, with SCS (pending)  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)  
SB 527-Nodler and Bray  
SB 555-Lager, with SCS, SS for SCS &  
SA 2 (pending)  
SB 569-Lembke, with SCS  
SB 572-Dempsey and Justus  
SJR 12-Scott, with SCS (pending)

### HOUSE BILLS ON THIRD READING

HB 30-Brandom, et al, with SCS & SS for  
SCS (pending) (Goodman)  
HB 69-Storch, with SCS (pending)  
(Champion)  
HCS for HB 96, with SCS (Mayer)  
HCS for HBs 128 & 340, with SA 1  
(pending) (Scott)  
HB 170-Cox, et al, with SCS & SS for SCS  
(pending) (Stouffer)  
HCS for HB 191, with SCS, SS#2 for SCS &  
SA 4 (pending) (Griesheimer)

HCS for HB 228, with SCS & SS for  
SCS (pending) (Lembke)  
HB 229-Ervin, with SCS, SS for SCS, SA 8  
SSA 1 for SA 8 & SA 1 to SSA 1  
for SA 8 (pending) (Dempsey)  
HB 258-Jones (89), et al, with SCS &  
SA 1 (pending) (Rupp)  
HB 287-Day, et al, with SS (pending)  
(Mayer)  
HCS for HB 316, with SCS (Schmitt)  
HCS for HB 481 (Lembke)

HB 488-Schad, et al, with SCS (pending)  
 (Pearce)  
 HCS for HB 495, with SCS, SS for SCS,  
 SA 1, SSA 2 for SA 1 & SA 1 to SSA 2  
 for SA 1 (pending) (Griesheimer)  
 HCS for HBs 658 & 706 (Clemens)  
 HB 659-Dusenberg, et al, with SCS & SA 1  
 (pending) (Bartle)  
 HCS for HB 795, with SCS & SA 1  
 (pending) (Purgason)

HB 802-Tracy, et al (Crowell)  
 HCS for HJR 10, with SS (pending)  
 (Lembke)  
 HJR 11-McGhee, et al, with SS (pending)  
 (Scott)  
 HCS for HJR 32, with SCA 1 & SA 1 to SCA 1  
 (pending) (Schaefer)  
 HJR 37-Cunningham, with SA 1 (pending)  
 (Goodman)

### CONSENT CALENDAR

#### House Bills

Reported 4/15

HCS for HBs 234 & 493 (Shoemyer)

### SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 176-Stouffer, with HCS  
 SB 215-Shields, with HCS, as amended  
 SB 263-Mayer, with HCS  
 SB 377-Rupp, with HCS, as amended

SB 526-Clemens, with HA 1, HA 2, HA 3 &  
 HA 4  
 SCS for SB 563-Smith, with HCS

### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

#### In Conference

SB 26-Ridgeway, with HCS, as amended  
 SCS for SB 44-Pearce, with HCS  
 SB 114-Crowell, with HCS#2, as amended  
 SB 171-Griesheimer, with HCS, as amended  
 SB 262-Bartle, with HCS, as amended  
 SB 386-Lager, with HCS, as amended  
 SS for SCS for SB 539-Schaefer, with  
 HCS, as amended  
 HCS for HB 62, with SS for SCS, as  
 amended (Bartle)

HCS for HB 376-Hobbs, et al, with SS for  
 SCS, as amended (Griesheimer)  
 HCS for HB 390, with SS for SCS (Rupp)  
 HCS for HB 577, with SS for SCS, as  
 amended (Rupp)  
 HB 734-Ruzicka and Hobbs, with SS for  
 SCS, as amended (Lager)  
 HCS for HB 1075, with SCS, as amended  
 (Griesheimer)

Requests to Recede or Grant Conference

SCS for SB 71-Stouffer, with HCS, as amended (Senate requests House recede and take up and pass bill)  
SS for SCS for SB 306-Dempsey, et al, with HCS, as amended (Senate requests House recede or grant conference)

SB 485-Pearce, with HCS, as amended (Senate requests House recede and take up and pass bill)  
HCS for HBs 46 & 434, with SS (Mayer) (Senate refuses to recede and requests House take up and pass bill)

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt  
HCS for HCR 4 (Lager)

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# Journal of the Senate

FIRST REGULAR SESSION

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**SEVENTY-SECOND DAY—FRIDAY, MAY 15, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It takes daily courage to expose oneself to God’s word and to allow oneself to be judged by it.” (Dietrich Bonhoeffer)

Merciful God, You have given us choices all along the way and these choices have consequences and on this last day of this session we are more mindful of how we have chosen and whether or not we have been faithful. In these closing hours bless us and make these rapidly passing minutes meaningful. And, we pray those things we have done according to Your will You will bless. And, may this day end in our praise for Your continuing being with us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

President Pro Tem Shields assumed the Chair.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## **RESOLUTIONS**

Senator Scott offered Senate Resolution No. 1188, regarding Kristen O’Neal, Wheatland, which was adopted.

Senator Cunningham offered Senate Resolution No. 1189, regarding Charles Jackson “CJ” Livesay, III, Ballwin, which was adopted.

Senator Cunningham offered Senate Resolution No. 1190, regarding William Jayang Sun, Chesterfield, which was adopted.

Senator Vogel offered Senate Resolution No. 1191, regarding Diana Love, Jefferson City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1192, regarding Spencer Joseph Fish, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1193, regarding Bryce Matthew McDonald, Liberty, which was adopted.

## **CONCURRENT RESOLUTIONS**

Senator Wright-Jones offered the following concurrent resolution:

### **SENATE CONCURRENT RESOLUTION NO. 29**

WHEREAS, Congress and President Obama are planning a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and infrastructures including the auto industry; and

WHEREAS, the Missouri Current Employment Statistics program estimates that there were 7,400 auto assembly jobs in the St. Louis area 14 months ago and that figure has fallen to 3,100 jobs with a net job loss of 4,300 jobs; and

WHEREAS, according to the Missouri Economic Research Center each job lost in this industry causes 5.28 jobs to be lost elsewhere in the state, Missouri has lost a total of 17,424 auto related jobs in the state; and

WHEREAS, many economists agree that for every auto assembler job lost nationwide, nine support jobs are lost as well. Based on that figure, our nation lost 29,700 jobs related to the auto industry; and

WHEREAS, according to the Missouri Economic Research Center's 2008 Economic Impact Summary, Missouri loses more than a billion dollars in economic output each year; and

WHEREAS, any federal tax dollars or federal stimulus funds allocated for the purposes of stabilizing the United States auto industry should be used to enhance domestic employment; and

WHEREAS, the loss of more jobs in the auto industry could have a devastating effect on the economic recovery plans for the state of Missouri:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge Chrysler to maintain and increase current manufacturing levels in the great state of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Chrysler LLC, P.O. Box 21-8004, Auburn Hills, Michigan 48321.

Senator Wright-Jones offered the following concurrent resolution:

### **SENATE CONCURRENT RESOLUTION NO. 30**

WHEREAS, the City of St. Louis currently has one of the highest rates in the nation of cases of gonorrhea, chlamydia, syphilis, and HIV; and

WHEREAS, the City of St. Louis also has a high rate of teen pregnancy; and

WHEREAS, the Centers for Disease Control and Prevention announced on March 11, 2008, that one in four teenage girls has a sexually



transmitted disease; and

WHEREAS, the Board of Education of the St. Louis Public School District recognizes its shared role in addressing issues relating to sex education; and

WHEREAS, sex education often includes issues relating to human growth and development, human sexuality, individual rights and responsibilities, peer pressure, and character building; and

WHEREAS, age-appropriate instruction from the elementary level to the high school level would help students understand issues relating to human sexuality and growth and development as they mature and age, including self-esteem, body image, and healthy communication in relationships; and

WHEREAS, the St. Louis Public School District should require sex education as a half-unit course required for graduation; and

WHEREAS, the St. Louis Public School District should include a medically-accurate, comprehensive, and age-appropriate sex education program as part of its curriculum to help prevent the transmission of sexually transmitted diseases and the occurrence of teen pregnancy by academic year 2011-2012; and

WHEREAS, teachers trained by the St. Louis Health Department in the most current and effective prevention methods for pregnancy and sexually transmitted diseases could help to increase student awareness and prevention of disease and pregnancy:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby encourage the members of the Special Administrative Board of the Transitional School District of the City of St. Louis, the members of the St. Louis Public School District Board of Education, and the superintendent and officers of the St. Louis Public School District to adopt a medically-accurate, comprehensive, and age-appropriate sex education program as a graduation requirement to be taught by teachers trained by the City of St. Louis Health Department;

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Special Administrative Board of the Transitional School District of the City of St. Louis, members of the St. Louis Public School District Board of Education, and the superintendent and officers of the St. Louis Public School District.

Senator Engler announced that photographers from KOMU-TV, KRCG-TV, KOLR-TV, KMIZ-TV, The Associated Press, Missouri Lawyers Media and The Daily Record were given permission to take pictures in the Senate Chamber today.

### HOUSE BILLS ON THIRD READING

Senator Griesheimer moved that **HCS** for **HB 191**, with **SCS**, **SS No. 2** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 4** was again taken up.

At the request of Senator Crowell, the above amendment was withdrawn.

Senator Lager offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Pages 2-3, Section 26.057, by striking all of said section from the bill; and

Further amend said bill, section 32.105, page 8, line 28, by inserting immediately after all of said line the following:

**“37.850. 1. The commissioner of administration shall maintain the Missouri accountability portal established in executive order 07-24 as a free, Internet-based tool allowing citizens to demand fiscal discipline and responsibility.**

**2. The Missouri accountability portal shall consist of an easy-to-search database of financial transactions related to the purchase of goods and services and the distribution of funds for state**

programs.

**3. The Missouri accountability portal shall be updated each state business day and maintained as the primary source of information about the activity of Missouri's government.”; and**

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 191, Page 44, Section 108.1020, Line 19 of said page, by striking the number “3” and inserting in lieu thereof the following: **“4”**; and

Further amend said bill, page 45, section 132.352, line 19 of said page, by striking the opening bracket “[” and closing bracket “]”; and further amend said line by striking the word “may” and inserting in lieu thereof the following: **“shall, subject to the limitations provided under the provisions of subsection 3 of this section,”**; and

Further amend said bill, page 85, section 238.235, lines 18-19 of said page, by striking all of said lines and inserting in lieu thereof the following: **“effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax”**; and

Further amend said bill, page 91, section 253.545, line 12 of said page, by inserting immediately after “(4)” the following:

**““Leasehold interest”, a lease in an eligible property for a term of not less than thirty years;**

**(5)”**; and renumbering the remaining subdivisions accordingly; and further amend line 22 of said page, by inserting immediately after “estate,” the following: **“limited liability company,”**; and

Further amend said bill, pages 91-93, section 253.550, by striking all of said section from the bill and inserting in lieu thereof the following:

**“253.550. 1. Any [person, firm, partnership, trust, estate, or corporation] taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, [shall be entitled to] may, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, RSMo, except for sections 143.191 to 143.265, RSMo, on [that person or entity] such taxpayer in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.**

**2. During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed seventy million**

dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection 3 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

3. For all applications for tax credits approved on or after January 1, 2010, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a non-income producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

4. The limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to January 1, 2010; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before January 1, 2010, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.”; and

Further amend said bill, pages 93-98, section 253.559, by striking all of section from the bill and inserting in lieu thereof the following:

“253.559. 1. [To claim the credit authorized pursuant to sections 253.550 to 253.561 of senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and section 253.557 of this act, the] **To obtain approval for tax credits allowed under sections 253.545 to 253.559, a taxpayer shall [apply] submit a application for tax credits** to the department of economic development [which, in consultation with the department of natural resources, shall]. **Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection 8 of section 253.559, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.**

2. Each application shall be reviewed by the department of economic development for approval.

**In order to receive approval, an application, other than applications submitted under the provisions of subsection 8 of this section, shall include:**

**(1) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a closing statement. Proof of site control may be evidenced by a leasehold interest or an option to acquire such an interest. If the taxpayer is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the eligible property;**

**(2) Floor plans of the existing structure, architectural plans, and, where applicable, plans of the proposed alterations to the structure, as well as proposed additions;**

**(3) The estimated cost of rehabilitation, the anticipated total costs of the project, the actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total labor costs, the estimated project start date, and the estimated project completion date;**

**(4) Proof that the property is an eligible property and a certified historic structure or a structure in a certified historic district; and**

**(5) Any other information which the department of economic development may reasonably require to review the project for approval.**

**Only the property for which a property address is provided in the application shall be reviewed for approval. Once selected for review, a taxpayer shall not be permitted to request the review of another property for approval in the place of the property contained in such application. Any disapproved application shall be removed from the review process. If an application is removed from the review process, the department of economic development shall notify the taxpayer in writing of the decision to remove such application. Disapproved applications shall lose priority in the review process. A disapproved application, which is removed from the review process, may be resubmitted, but shall be deemed to be a new submission for purposes of the priority procedures described in this section.**

**3. If the department of economic development deems the application sufficient, the taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the amount provided under section 253.550 less any amount of tax credits previously approved. Such approvals shall be granted to applications in the order of priority established under this section and shall require full compliance thereafter with all other requirements of law as a condition to any claim for such credits.**

**4. Following approval of an application, the identity of the taxpayer contained in such application shall not be modified except:**

**(1) The taxpayer may add partners, members, or shareholders as part of the ownership structure, so long as the principal remains the same, provided however, that subsequent to the commencement of renovation and the expenditure of at least ten percent of the proposed rehabilitation budget, removal of the principal for failure to perform duties and the appointment of a new principal thereafter shall not constitute a change of the principal; or**

**(2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy.**

**5. In the event that the department of economic development grants approval for tax credits equal to the total amount available under subsection 2 of section 253.550, or sufficient that when totaled**

with all other approvals, the amount available under subsection 2 of section 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter submitted for approval shall be notified by the department of economic development that no additional approvals shall be granted during the fiscal year and shall be notified of the priority given to such taxpayer's application then awaiting approval. Such applications shall be kept on file by the department of economic development and shall be considered for approval for tax credits in the order established in this section in the event that additional credits become available due to the rescission of approvals or when a new fiscal year's allocation of credits becomes available for approval.

6. All taxpayers with applications receiving approval on or after the effective date of this act shall commence rehabilitation within two years of the date of issuance of the letter from the department of economic development granting the approval for tax credits. Commencement of rehabilitation shall mean that as of the date in which actual physical work, contemplated by the architectural plans submitted with the application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the application. Taxpayers with approval of a project shall submit evidence of compliance with the provisions of this subsection. If the department of economic development determines that a taxpayer has failed to comply with the requirements provided under this section, the approval for the amount of tax credits for such taxpayer shall be rescinded and such amount of tax credits shall then be included in the total amount of tax credits, provided under subsection 2 of section 253.550, from which approvals may be granted. Any taxpayer whose approval shall be subject to rescission shall be notified of such from the department of economic development and, upon receipt of such notice, may submit a new application for the project.

7. To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with approval shall apply for final approval and issuance of tax credits from the department of economic development which, in consultation with the department of natural resources, shall determine the final amount of eligible rehabilitation costs and expenses and whether the completed rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources. For financial institutions credits authorized pursuant to sections 253.550 to 253.561 shall be deemed to be "economic development credits" for purposes of section 148.064, RSMo. The approval of all applications and the issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. The department of economic development shall inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

[2.] 8. Except as expressly provided in this subsection, tax credit certificates shall be issued in the final year that costs and expenses of rehabilitation of the project are incurred, or within the twelve month period immediately following the conclusion of such rehabilitation. In the event the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's approval granted under subsection 3 of this section, such taxpayer may apply to the department for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax credits in excess of the amount provided under a taxpayer's application shall be made on a form prescribed by the department. Such applications shall be subject to all provisions regarding priority provided under subsection 1 of this section.

**9.** The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.”; and

Further amend said bill, page 120, section 620.472, line 5, by striking the word “any”; and further amend lines 6-9, by striking all of said lines; and

Further amend said bill, page 145, section B, line 25 of said page, by striking the word “section” and inserting in lieu thereof the following: “sections 100.286, 100.760, 100.770, 100.850,”; and further amend line 26 of said page, by inserting immediately after “135.680” the following: “, 253.545, 253.550, 253.559, 620.1878, and 620.1881”; and

Further amend said bill and section, page 146, line 1 of said page, by striking the word “section” and inserting in lieu thereof the following: “sections 100.286, 100.760, 100.770, 100.850,”; and further amend line 2 of said page, by inserting immediately after “135.680” the following: “, 253.545, 253.550, 253.559, 620.1878, and 620.1881”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager moved that **SS No. 2** for **SCS** for **HCS** for **HB 191**, as amended, be adopted, which motion prevailed.

Senator Engler assumed the Chair.

President Pro Tem Shields assumed the Chair.

On motion of Senator Griesheimer, **SS No. 2** for **SCS** for **HCS** for **HB 191** was read the 3rd time and passed by the following vote:

YEAS—Senators

Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler	Goodman
Griesheimer	Justus	Lager	Mayer	McKenna	Nodler	Pearce	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—26						

NAYS—Senators

Barnitz	Bartle	Bray	Crowell	Green	Lembke	Purgason	Smith—8
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Justus	Lager	Mayer	McKenna	Nodler
Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer

Stouffer            Vogel            Wilson            Wright-Jones—28

NAYS—Senators

Barnitz            Bartle            Green            Lembke            Purgason            Smith—6

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 156**, begs leave to report that it has considered the same and recommends that the bill do pass.

### HOUSE BILLS ON THIRD READING

**HB 156**, introduced by Representatives Nance and Ruestman, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to supplemental food stamp assistance.

Was taken up by Senator Dempsey.

Senator Dempsey offered **SS** for **HB 156**, entitled:

#### SENATE SUBSTITUTE FOR HOUSE BILL NO. 156

An Act to repeal sections 208.152, 208.215, 354.535, 354.536, 374.184, 376.384, 376.397, 376.426, 376.428, 376.450, 376.453, 376.776, 376.960, 376.966, 376.987, 376.1450, 379.930, 379.940, and 379.952, RSMo, and to enact in lieu thereof fifty new sections relating to health care services, with an emergency clause for a certain section.

Senator Dempsey moved that **SS** for **HB 156** be adopted.

Senator Rupp assumed the Chair.

Senator Shields offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 156, Page 42, Section 208.1300, Line 4, by inserting after the word “SB 306”. the following:

**“For purposes of appropriation authority granted under the provisions of section 11.517 contained**

**in the conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill 11, as passed by the 95th general assembly, first regular session, the provisions of this act shall be construed as the passage and approval of senate bill 306 by the 95th general assembly, first regular session.”.**

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey moved that **SS** for **HB 156**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SS** for **HB 156**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle	Lembke	Purgason	Ridgeway—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle	Lembke	Purgason	Ridgeway—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.



### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 734**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 734**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HCS** for **HBs 620** and **671** and has taken up and passed **HCS** for **HBs 620** and **671**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 390** and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 390**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 62**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 62**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1075**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1075**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HCS** for **HBs 46** and **434**, as amended, and request the Senate to recede from its position on **SS** for **HCS** for **HBs 46** and **434**, as amended, and take up and pass the bill.

### PRIVILEGED MOTIONS

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1075**, as amended, moved that the following conference committee

report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1075

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1075, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1075, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1075;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1075, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Barney Fisher 125

Tim Jones

/s/ Doug Funderburk

/s/ Gina Walsh

/s/ Michael Frame

FOR THE SENATE:

/s/ John E. Griesheimer

/s/ Scott T. Rupp

/s/ Tom Dempsey

/s/ Victor E. Callahan

/s/ Jolie Justus

Senator Pearce assumed the Chair.

Senator Griesheimer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Green	Griesheimer	Justus	Lembke	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle	Goodman	Lager	Purgason—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, **CCS** for **SCS** for **HCS** for **HB 1075**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1075

An Act to repeal sections 288.062 and 288.330, RSMo, and to enact in lieu thereof three new sections relating to unemployment compensation, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Green	Griesheimer	Justus	Lembke	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle	Goodman	Lager	Purgason—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Green	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle	Goodman	Purgason—3
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Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Mayer moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HBs 46** and **434**, and request the House to take up and pass **SS** for **HCS** for **HBs 46** and **434**, which motion prevailed.

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 62**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 62

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, with Senate Amendment Nos. 1, 2, 4, 5, 6, 7, 8, and 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. The Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 62, as amended;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Scott A. Lipke  
/s/ Shelley Keeney  
/s/ Stanley Cox  
/s/ Jeff Roorda  
/s/ John Burnett

FOR THE SENATE:

/s/ Matt Bartle  
/s/ Robert N. Mayer  
/s/ Dan Clemens  
/s/ Jolie Justus  
/s/ Ryan McKenna

Senator Bartle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Bartle, **CCS** for **SS** for **SCS** for **HCS** for **HB 62**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 62

An Act to repeal sections 43.500, 43.503, 43.506, 174.700, 192.925, 217.450, 217.460, 217.665, 229.110, 303.024, 311.325, 311.326, 409.5-508, 409.6-604, 544.665, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.147, 566.149, 568.045, 570.030, 570.040, 570.080, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 575.260, 576.050, 577.029, 578.250, 578.255, 578.260, 578.265, 589.400, 589.425, 595.027, 650.052, and 650.055, RSMo, section 302.060 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session and section 302.060 as enacted by house committee substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third general assembly, first regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in lieu thereof seventy-four new sections relating to crime, with penalty provisions and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 128**, entitled:

An Act repeal section 227.107, RSMo, and to enact in lieu thereof two new sections relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

With House Amendment No. 1.

**HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 128, Page 5, Section 227.107, Line 157, by inserting after all of said line the following:

**“286.400. 1. The department of labor and industrial relations shall develop a program to screen and test for controlled substances each worker who works on a public works project under chapter 34, RSMo, on a random basis. Any worker on a public works project who is found to test positive for use of a controlled substance, which was not prescribed for such worker by a licensed healthcare provider, shall, after being afforded the right to an administrative hearing under the provisions of chapter 536, RSMo, be declared ineligible to perform further work on a public works project in the state of Missouri for a period of three years. The department of labor and industrial relations shall furthermore notify the employer of a worker who tests positive for the use of a controlled substance under this section, that if the worker’s employer refers such worker to an appropriate substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health, then, upon successful completion of such program, such worker may be allowed to return to work on a public works project prior to the expiration of such three-year period. All costs for the program of screening and testing workers for controlled substance abuse, as well as all costs for attendance at such substance abuse treatment program shall be borne by the employer on the**

public works project. No costs under this section shall be borne by the state, any of its agencies, or any political subdivision thereof.

2. The department of labor and industrial relations shall promulgate rules to implement the provisions of this section, which shall not be in violation of any applicable federal law or regulation. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed SCS for SBs 335 and 16.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2 and House Amendment No. 2, as amended.

#### HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill Nos. 335 & 16, Section 303.024, Page 2, Line 48, by inserting after all of said line the following:

**“304.161. Storage charges for any towed vehicle, other than a commercial motor vehicle, shall not exceed thirty dollars per day.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO

#### HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 262, Page 1, Line 4 by inserting after the word “day.” the following: **“This section shall not apply to any vehicle that is stored as part of a criminal investigation.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill Nos. 335 & 16, Section 303.024, Page 2, Line 48, by inserting after all of said line the following:

**“303.390. 1. An uninsured motorist shall waive the ability to have a cause of action or otherwise**

collect for noneconomic loss against a person who is in compliance with the financial responsibility laws of this chapter due to a motor vehicle accident in which the insured driver is alleged to be at fault. For purposes of this section, the term “uninsured motorist” shall include:

- (1) An uninsured driver who is the owner of the vehicle;
- (2) An uninsured permissive driver of the vehicle; and
- (3) Any uninsured non-permissive driver.

Such waiver shall not apply if it can be proven that the accident was caused, in whole or in part, by a tortfeasor who operated a motor vehicle under the influence of drugs or alcohol, or who is convicted of involuntary manslaughter under subdivision (2) of subsection 1 of section 565.024, RSMo, or assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo.

2. The provisions of this section shall not apply to an uninsured motorist whose immediately previous insurance policy meeting the requirements of section 303.190 was terminated or nonrenewed for failure to pay the premium, unless notice of termination or nonrenewal for failure to pay such premium was provided by such insurer at least thirty days prior to the time of the accident.

3. In an action against a person who is in compliance with the financial responsibility laws prescribed by this chapter by a person deemed to have waived recovery under subsection 1 of this section:

- (1) Any award in favor of such person shall be reduced by an amount equal to the portion of the award representing compensation for noneconomic losses;
- (2) The trier of fact shall not be informed, directly or indirectly, of such waiver or of its effect on the total amount of such person’s recovery.

4. Nothing in this section shall be construed to preclude recovery against an alleged tortfeasor of benefits provided or economic loss coverage.

5. For purposes of this section, there is a rebuttable presumption of a knowing violation of the minimum insurance requirements contained in section 303.160 if such insurance has lapsed, terminated, or otherwise been ineffective for a period of at least thirty days prior to the accident.

6. **Passengers in the uninsured motor vehicle are not subject to such recovery limitation.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 368**.

Bill ordered enrolled.

Senator Stouffer assumed the Chair.

### **PRIVILEGED MOTIONS**

Senator Lager, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 386**, as amended, moved that the following conference committee report be taken



up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 386

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 386, with House Amendment Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, House Amendment No. 1 to House Amendment No. 15, House Amendment No. 15 as amended, House Amendment No. 16, House Amendment Nos. 1, 2, and 3 to House Amendment No. 17, House Amendment No. 17 as amended, House Amendment No. 1 to House Amendment No. 18, House Amendment No. 18 as amended, House Amendment Nos. 19, 20, 21, 22, 23, 24, 25, and 26, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 386, as amended;
2. The Senate recede from its position on Senate Bill No. 386;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 386, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Brad Lager

/s/ John E. Griesheimer

/s/ David Pearce

/s/ Victor E. Callahan

/s/ Rita Heard Days

FOR THE HOUSE:

/s/ Jason Brown

/s/ Brian Yates

/s/ John Diehl

/s/ Trent Skaggs

/s/ Jacob Hummel

Senator Lager moved that the above conference committee report be adopted.

At the request of Senator Lager, the above motion was withdrawn.

Senator Lager moved that the Conference be dissolved on **HCS** for **SB 386**, as amended, and request the House to recede from its position and take up and pass **SB 386**, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Ridgeway, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 26**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 26

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 26, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment Nos. 2 and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 26, as amended;

## 2. That Senate Bill No. 26 be Third Read and Finally Passed.

## FOR THE SENATE:

/s/ Luann Ridgeway

/s/ Matt Bartle

/s/ Delbert Scott

/s/ Victor E. Callahan

/s/ Jolie Justus

## FOR THE HOUSE:

/s/ Jerry Nolte

/s/ Scott A. Lipke

/s/ Kenny Jones

/s/ Jeff Roorda

James Morris

Senator Ridgeway moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Ridgeway, **SB 26** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Rupp, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 390** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 390

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 390, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 390;
2. That the House recede from its position on House Committee Substitute for House Bill No. 390;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 390, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Jerry Nolte

/s/ Mark Parkinson

/s/ Kevin Wilson

Maria Chappelle-Nadal

/s/ Sue Schoemehl

FOR THE SENATE:

/s/ Scott T. Rupp

/s/ Kurt Schaefer

/s/ Eric S. Schmitt

/s/ Ryan McKenna

/s/ Timothy P. Green

Senator Rupp moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Justus—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, **CCS** for **SS** for **SCS** for **HCS** for **HB 390**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 390

An Act to repeal sections 208.009, 285.530, 285.555, and 292.675, RSMo, and to enact in lieu thereof five new section relating to unauthorized aliens, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Justus                Wright-Jones—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Justus                Wright-Jones—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Lager, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 734**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 734

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 734, with Senate Amendment No. 1, Senate Amendment No. 2, and Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 734, as amended;
2. That the House recede from its position on House Bill No. 734;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 734, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Don Ruzicka  
/s/ Ed Emery  
/s/ Walt Bivins  
/s/ Linda Fischer  
/s/ Terry L. Witte

FOR THE SENATE:

/s/ Brad Lager  
/s/ Delbert Scott  
/s/ Kevin Engler  
/s/ Joan Bray  
/s/ Wes Shoemyer

Senator Lager moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Bartle assumed the Chair.

On motion of Senator Lager, **CCS** for **SS** for **SCS** for **HB 734**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 734

An Act to repeal sections 266.331, 644.036, 644.054, 701.500, 701.503, and 701.506, RSMo, and to enact in lieu thereof nine new sections relating to natural resources, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 577**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 577**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 104**.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment Nos. 2 and 3.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 104, Page 1, Line 4 by inserting after the word **“abortions.”** the following:

**“No school nurse or other school personnel shall administer any vaccination related to the human papillomavirus on school property or otherwise in relation to their duties as a school nurse or other employee of a public school district.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 104, Page 3, Section 167.182, Line 67, by inserting after the word “appropriations.” on said line the following:

**“Public funds expended pursuant to this section shall not be granted or expended to organizations or affiliates of organizations that perform or induce, assist in the performing or inducing of, or refer for abortions.”.**

#### HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 104, Section 167.182, Page 3, Lines 68 to 71, by deleting said lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 104, Page 1, Line 3 of the title by deleting said line and inserting in lieu thereof the following:

**“public safety and welfare.”; and**

Further amend said bill, Page 1, Section A, Line 2 by inserting after said line the following:

“41.950. 1. Any resident of this state who is a member of the national guard or of any reserve component of the armed forces of the United States or who is a member of the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard or an officer of the United States Public Health Service detailed by proper authority for duty with any branch of the United States armed forces described in this section and who is engaged in the performance of active duty in the military service of the United States in a military conflict in which reserve components have been called to active duty under the authority of 10 U.S.C. 672(d) or 10 U.S.C. 673b or any such subsequent call or order by the President or Congress for any period of thirty days or more shall be relieved from certain provisions of state law, as follows:

(1) No person performing such military service who owns a motor vehicle shall be required to maintain financial responsibility on such motor vehicle as required under section 303.025, RSMo, until such time as that person completes such military service, unless any person shall be operating such motor vehicle while the vehicle owner is performing such military service;

(2) No person failing to renew his driver’s license while performing such military service shall be required to take a complete examination as required under section 302.173, RSMo, when renewing his license within sixty days after completing such military service;

(3) Any motor vehicle registration required under chapter 301, RSMo, that expires for any person performing such military service may be renewed by such person within sixty days of completing such military service without being required to pay a delinquent registration fee; however, such motor vehicle shall not be operated while the person is performing such military service unless the motor vehicle registration is renewed;

(4) Any person enrolled by the supreme court of Missouri or licensed, registered or certified under chapter 168, 256, [289,] 317, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 375, 640 or 644, RSMo, and interpreters licensed under sections 209.319 to 209.339, RSMo, whose license, registration or certification expires while performing such military service, may renew such license, registration or certification within sixty days of completing such military service without penalty;

(5) In the case of [annual] **corporate registration** reports, franchise tax reports or other reports required to be filed with the office of secretary of state, where the filing of such report would be delayed because of a person performing such military service, such reports shall be filed without penalty within one hundred twenty days of the completion of such military service;

(6) No person performing such military service who is subject to a criminal summons for a traffic violation shall be subject to nonappearance sanctions for such violation until after one hundred eighty days after the completion of such military service;

(7) No person performing such military service who is required under state law to file financial disclosure reports shall be required to file such reports while performing such military service; however, such reports covering that period of time that such military service is performed shall be filed within one hundred eighty days after the completion of such military service;

(8) Any person with an indebtedness, liability or obligation for state income tax or property tax on personal or real property who is performing such military service or a spouse of such person filing a



combined return or owning property jointly shall be granted an extension to file any papers or to pay any obligation until one hundred eighty days after the completion of such military service or continuous hospitalization as a result of such military service notwithstanding the provisions of section 143.991, RSMo, to the contrary and shall be allowed to pay such tax without penalty or interest if paid within the one hundred eighty-day period;

(9) Notwithstanding other provisions of the law to the contrary, for the purposes of this section, interest shall be allowed and paid on any overpayment of tax imposed by sections 143.011 to 143.998, RSMo, at the rate of six percent per annum from the original due date of the return or the date the tax was paid, whichever is later;

(10) No state agency, board, commission or administrative tribunal shall take any administrative action against any person performing such military service for that person's failure to take any required action or meet any required obligation not already provided for in subdivisions (1) to (8) of this subsection until one hundred eighty days after the completion of such military service, except that any agency, board, commission or administrative tribunal affected by this subdivision may, in its discretion, extend the time required to take such action or meet such obligation beyond the one hundred eighty-day period;

(11) Any disciplinary or administrative action or proceeding before any state agency, board, commission or administrative tribunal where the person performing such military service is a necessary party, which occurs during such period of military service, shall be stayed by the administrative entity before which it is pending until sixty days after the end of such military service.

2. Upon completing such military service, the person shall provide the appropriate agency, board, commission or administrative tribunal an official order from the appropriate military authority as evidence of such military service.

3. The provisions of this section shall apply to any individual [defined] **described** in subsection 1 of this section who performs such military service on or after August 2, 1990.

60.010. 1. At the regular general election in the year 1948, and every four years thereafter, the voters of each county of this state in counties of the second, third, and fourth classification shall elect a registered land surveyor as county surveyor, who shall hold [his] office for four years and until [his] a successor is duly elected, commissioned and qualified. The person elected shall be commissioned by the governor.

2. No person shall be elected or appointed surveyor unless [he be] **such person is** a citizen of the United States, over the age of twenty-one years, [be] a registered land surveyor, and shall have resided within the state one whole year. An elected surveyor shall have resided within the county for which [he] **the person** is elected six months immediately prior to [his] election and shall after [his] election continue to reside within the county for which [he] **the person** is surveyor. An appointed surveyor need not reside within the county for which [he] **the person** is surveyor.

3. Notwithstanding the provisions of subsection 1 of this section, or any other law to the contrary, the county commission of any county of the third or fourth classification may appoint a surveyor following [a general election in which] **the deadline for filing for** the office of surveyor [is on the ballot], if no qualified candidate [seeks said] **files for the office in the general election in which the office would have been on the ballot, provided that the notice required by section 115.345, RSMo, has been published in at least one newspaper of general circulation in the county.** The appointed surveyor shall serve at the pleasure of the county commission, however, an appointed surveyor shall forfeit said office once a qualified

individual, who has been duly elected at a regularly scheduled general election where the office of surveyor is on the ballot and who has been commissioned by the governor, takes office. The county commission shall fix appropriate compensation, which need not be equal to that of an elected surveyor.

82.300. 1. Any city with a population of four hundred thousand or more inhabitants which is located in more than one county may enact all needful ordinances for preserving order, securing persons or property from violence, danger and destruction, protecting public and private property and for promoting the general interests and ensuring the good government of the city, and for the protection, regulation and orderly government of parks, public grounds and other public property of the city, both within and beyond the corporate limits of such city; and to prescribe and impose, enforce and collect fines, forfeitures and penalties for the breach of any provisions of such ordinances and to punish the violation of such ordinances by fine or imprisonment, or by both fine and imprisonment; but no fine shall exceed [five hundred] **one thousand** dollars nor imprisonment exceed twelve months for any such offense, except as provided in subsection 2 of this section.

2. Any city with a population of four hundred thousand or more inhabitants which is located in more than one county which operates a publicly owned treatment works in accordance with an approved pretreatment program pursuant to the federal Clean Water Act, 33 U.S.C. 1251, et seq. and chapter 644, RSMo, may enact all necessary ordinances which require compliance by an industrial user with any pretreatment standard or requirement. Such ordinances may authorize injunctive relief or the imposition of a fine of at least one thousand dollars but not more than five thousand dollars per violation for noncompliance with such pretreatment standards or requirements. For any continuing violation, each day of the violation shall be considered a separate offense.

3. Any city with a population of more than four hundred thousand inhabitants may enact all needful ordinances to protect public and private property from illegal and unauthorized dumping and littering, and to punish the violation of such ordinances by a fine not to exceed one thousand dollars or by imprisonment not to exceed twelve months for each offense, or by both such fine and imprisonment.

4. Any city with a population of more than four hundred thousand inhabitants may enact all needful ordinances to protect public and private property from nuisance and property maintenance code violations, and to punish the violation of such ordinances by a fine not to exceed one thousand dollars or by imprisonment not to exceed twelve months for each offense, or by both such fine and imprisonment.

**82.1026. The governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may enact ordinances to provide for the building official of the city or any authorized representative of the building official to petition the circuit court in the county in which a vacant nuisance building or structure is located for the appointment of a receiver to rehabilitate the building or structure, to demolish it, or to sell it to a qualified buyer.**

84.150. The officers of the police force in each such city shall be as follows: One chief of police with the rank of colonel; [one assistant chief of police with the rank of lieutenant colonel; one chief of detectives with the rank of lieutenant colonel; one inspector of police with the rank of lieutenant colonel; and two other lieutenant colonels, making a total of five lieutenant colonels, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional lieutenant colonel shall be appointed, making a total of six lieutenant colonels; one assistant chief of detectives with the rank of major and five other majors, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional major shall be appointed, making a total of seven majors;

twenty-two captains, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional two captains shall be appointed, making a total of twenty-four captains; sixty-seven lieutenants, except that for each thirty-eight additional patrolmen appointed pursuant to the provisions of section 84.100 an additional lieutenant shall be appointed; two hundred sixty sergeants, except that for each nine additional patrolmen appointed pursuant to the provisions of section 84.100 an additional sergeant shall be appointed. No further appointments to the rank of corporal shall hereafter be made, but all members of the force now holding the rank of corporal shall continue in such rank until their promotion, demotion, removal, resignation or other separation from the force] **lieutenant colonels, not to exceed five in number and other such ranks and number of members within such ranks as the board from time to time deems necessary.** The officers of the police force shall have commissions issued to them by the boards of police commissioners, and those heretofore and those hereafter commissioned shall serve so long as they shall faithfully perform their duties and possess the necessary mental and physical ability, and be subject to removal only for cause after a hearing by the board, who are hereby invested with exclusive jurisdiction in the premises. [Any increase in the number of officers to be appointed, in addition to that provided for above, shall be permitted upon recommendation by the board of police commissioners with the approval of the municipal board of estimate and apportionment.]

84.175. 1. Upon recommendation of the chief of police, the board may authorize and provide for the organization of a police reserve force composed of [residents of the city] **members who receive a service retirement under the provisions of sections 86.200 to 86.366, RSMo, and** who qualify under the provisions of section 84.120. Such reserve force shall be under the command of the chief of police and shall be provided training, equipment, uniforms, and arms as the chief shall direct with the approval of the board[; and when assigned to active duty the]. Members of the reserve force shall possess all of the powers of regular police officers and shall be subject to all laws and regulations applicable to police officers; provided, however, that the city council or other governing body of any such city may in its discretion fix a total in number which the reserve force may not exceed.

2. In event of riot or other emergencies as declared and defined by the mayor, in concurrence with the board, the board, upon recommendation of the chief, may appoint special officers or patrolmen for temporary service in addition to the police reserve force herein provided for, but the length of time for which such officers or patrolmen shall be employed shall be limited to the time during which such emergency shall exist.

141.160. 1. The general law relating to taxation and the collection of delinquent taxes, as now existing, shall apply to counties of the first class having a charter form of government insofar as not inconsistent with the provisions of sections 141.010 to 141.160, except that counties of the first class operating under a charter form of government may hereafter elect to operate under the provisions of chapter 140, RSMo, the general law relating to the collection of delinquent taxes, by the enactment of an ordinance by the legislative body of such county.

**2. In addition to any other provisions of law related to delinquent tax collection fees, in all counties having a charter form of government and more than six hundred thousand inhabitants, the collector shall collect on behalf of the county and pay into the county general fund an additional fee for the collection of delinquent and back taxes of five percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax.**

3. The provisions of sections 141.010 to 141.160 shall not apply to counties of the first class not having

a charter form of government, and such counties shall operate under the provisions of chapter 140, RSMo.

**173.270. 1. The coordinating board for higher education shall make provisions for institutions under the board's jurisdiction to award a tuition and fee waiver for undergraduate courses at state institutions of higher education for any student, beginning with incoming freshmen in the 2010 fall semester or term, who:**

**(1) Is a resident of this state;**

**(2) Has graduated within the previous three years from high school or passed the GED examination; and**

**(3) Has been in foster care or other residential care under the department of social services on or after:**

**(a) The day preceding the student's eighteenth birthday;**

**(b) The day of the student's fourteenth birthday, if the student was also eligible for adoption on or after that day; or**

**(c) The day the student graduated from high school or received a GED.**

**2. To be eligible for a waiver award, a student shall:**

**(1) Apply to and be accepted at the institution not later than:**

**(a) The third anniversary of the date the student was discharged from foster or other residential care, the date the student graduated from high school, or the date the student received a GED, whichever is earliest; or**

**(b) The student's twenty-first birthday;**

**(2) Apply for other student financial assistance, other than student loans, in compliance with federal financial aid rules, including the federal Pell grant;**

**(3) Apply to the coordinating board for higher education for a determination of eligibility. Application shall be on forms and in a manner prescribed by rule of the coordinating board; and**

**(4) Complete a minimum of one hundred hours of community service or public internship within a twelve-month period beginning September first for each year in which the student is receiving a tuition and fee waiver award under this section. The department of higher education, in collaboration with participating state institutions of higher education, shall by rule determine the community service and public internships that students may participate in to meet the requirements of this subdivision. A student may fulfill this requirement by completing the necessary community service or public internship hours during the summer.**

**3. The tuition and fee waiver provided by this section shall be awarded on an annual basis, subject to appropriation to reimburse the institution, and shall continue to be available, if the student is otherwise eligible under this section, as long as the student remains in good academic standing at the state institution of higher education. The institution shall monitor compliance with subdivision (4) of subsection 2 of this section and report it to the department of higher education.**

**4. The waiver provided by this section for each eligible student may be used for no more than four years of undergraduate study and may only be used after other sources of financial aid that are**

dedicated solely to tuition and fees are exhausted.

5. No student who is enrolled in an institution of higher education as of the effective date of this section shall be eligible for a waiver award under this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

Further amend said bill, Page 3, Section 167.182, Line 81 by inserting after said line the following:

“208.040. 1. Temporary assistance benefits shall be granted on behalf of a dependent child or children and may be granted to the parents or other needy eligible relative caring for a dependent child or children who:

(1) Is under the age of eighteen years; or is under the age of nineteen years and a full-time student in a secondary school (or at the equivalent level of vocational or technical training), if before the child attains the age of nineteen the child may reasonably be expected to complete the program of the secondary school (or vocational or technical training);

(2) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one or more of such relatives as the child's own home, and financial aid for such child is necessary to save the child from neglect and to secure for the child proper care in such home. Physical or mental incapacity shall be certified to by competent medical or other appropriate authority designated by the **family support** division [of family services], and such certificate is hereby declared to be competent evidence in any proceedings concerning the eligibility of such claimant to receive [aid to families with dependent children] **temporary assistance** benefits. Benefits may be granted and continued for this reason only while it is the judgment of the **family support** division [of family services] that a physical or mental defect, illness or disability exists which prevents the parent from performing any gainful work;

(3) Is not receiving supplemental aid to the blind, blind pension, supplemental payments, or aid or public relief as an unemployable person;

(4) Is a resident of the state of Missouri.

2. The **family support** division [of family services] shall require as additional conditions of eligibility for benefits that each applicant for or recipient of [aid] **assistance**:

(1) Shall furnish to the division the applicant or recipient's Social Security number or numbers, if the applicant or recipient has more than one such number;

(2) Shall assign to the **family support** division [of family services] in behalf of the state any rights to support from any other person such applicant may have in the applicant's own behalf or in behalf of any other [family member] **person** for whom the applicant is applying for or receiving [aid] **assistance**. An

application for benefits made under this section shall constitute an assignment of support rights which shall take effect, by operation of law, upon a determination that the applicant is eligible for assistance under this section. The assignment [is effective as to both current and accrued support obligations] **shall comply with the requirements of 42 U.S.C. Section 608(a)(3)** and authorizes the **family support** division [of child support enforcement] of the department of social services to bring any administrative or judicial action to establish or enforce a current support obligation, to collect support arrearages accrued under an existing order for support, or to seek reimbursement of support provided by the division;

(3) Shall cooperate with the [divisions of family services and of child support enforcement] **family support division** unless the division [of family services] determines in accordance with federally prescribed standards that such cooperation is contrary to the best interests of the child on whose behalf [aid] **assistance** is claimed or to the caretaker of such child, in establishing the paternity of a child born out of wedlock with respect to whom [aid] **assistance** is claimed, and in obtaining support payments for such applicant and for a child with respect to whom such [aid] **assistance** is claimed, or in obtaining any other payments or property due such applicant or such child. The [divisions of family services and of child support enforcement] **family support division** shall impose all penalties allowed pursuant to federal participation requirements;

(4) Shall cooperate with the department of social services in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for medical assistance as provided in section 208.152, unless such individual has good cause for refusing to cooperate as determined by the department of social services in accordance with federally prescribed standards; and

(5) Shall participate in any program designed to reduce the recipient's dependence on welfare, if requested to do so by the department of social services.

3. The division shall require as a condition of eligibility for temporary assistance benefits that a minor child under the age of eighteen who has never married and who has a dependent child in his or her care, or who is pregnant and otherwise eligible for temporary assistance benefits, shall reside in a place of residence maintained by a parent, legal guardian, or other adult relative or in some other adult-supervised supportive living arrangement, as required by Section 403 of P.L. 100-485. Exceptions to the requirements of this subsection shall be allowed in accordance with requirements of the federal Family Support Act of 1988 in any of the following circumstances:

(1) The individual has no parent or legal guardian who is living or the whereabouts of the individual's parent or legal guardian is unknown; or

(2) The **family support** division [of family services] determines that the physical health or safety of the individual or the child of the individual would be jeopardized; or

(3) The individual has lived apart from any parent or legal guardian for a period of at least one year prior to the birth of the child or applying for benefits; or

(4) The individual claims to be or to have been the victim of abuse while residing in the home where she would be required to reside and the case has been referred to the child abuse hotline and a "reason to suspect finding" has been made. Households where the individual resides with a parent, legal guardian or other adult relative or in some other adult-supervised supportive living arrangement shall, subject to federal waiver to retain full federal financial participation and appropriation, have earned income disregarded from

eligibility determinations up to one hundred percent of the federal poverty level.

4. If the relative with whom a child is living is found to be ineligible because of refusal to cooperate as required in subdivision (3) of subsection 2 of this section, any [aid] **assistance** for which such child is eligible will be paid in the manner provided in subsection 2 of section 208.180, without regard to subsections 1 and 2 of this section.

5. The department of social services may implement policies designed to reduce a family's dependence on welfare. The department of social services is authorized to implement these policies by rule promulgated pursuant to section 660.017, RSMo, and chapter 536, RSMo, including the following:

(1) The department shall increase the earned income and resource disregards allowed recipients to help families achieve a gradual transition to self-sufficiency, including implementing policies to simplify employment-related eligibility standards by increasing the earned income disregard to two-thirds by October 1, 1999. The expanded earned income disregard shall apply only to recipients of cash assistance who obtain employment but not to new applicants for cash assistance who are already working. Once the individual has received the two-thirds disregard for twelve months, the individual would not be eligible for the two-thirds disregard until the individual has not received temporary assistance benefits for twelve consecutive months. The department shall promulgate rules pursuant to chapter 536, RSMo, to implement the expanded earned income disregard provisions;

(2) The department shall permit a recipient's enrollment in educational programs beyond secondary education to qualify as a work activity for purposes of receipt of temporary assistance for needy families. Such education beyond secondary education shall qualify as a work activity if such recipient is attending and according to the standards of the institution and the **family support** division [of family services], making satisfactory progress towards completion of a postsecondary or vocational program. Weekly classroom time and allowable study time shall be applied toward the recipient's weekly work requirement. Such recipient shall be subject to the sixty-month lifetime limit for receipt of temporary assistance for needy families unless otherwise excluded by rule of the **family support** division [of family services];

(3) Beginning January 1, 2002, and every two years thereafter, the department of social services shall make a detailed report and a presentation on the temporary assistance for needy families program to the house appropriations for social services committee and the house social services, Medicaid and the elderly committee, and the senate aging, families and mental health committee, or comparable committees;

(4) Other policies designed to reduce a family's dependence on welfare may include supplementing wages for recipients for the lesser of forty-eight months or the length of the recipient's employment by diverting the temporary assistance grant.

The provisions of this subsection shall be subject to compliance by the department with all applicable federal laws and rules regarding temporary assistance for needy families.

6. The work history requirements and definition of "unemployed" shall not apply to any parents in order for these parents to be eligible for assistance pursuant to section 208.041.

7. The department shall continue to apply uniform standards of eligibility and benefits, excepting pilot projects, in all political subdivisions of the state.

8. Consistent with federal law, the department shall establish income and resource eligibility requirements that are no more restrictive than its July 16, 1996, income and resource eligibility requirements

in determining eligibility for temporary assistance benefits.

208.055. 1. A person who has applied for or is receiving public assistance under programs funded under Part A of Title IV[, the work first program] or Title XIX of the federal Social Security Act shall:

(1) Cooperate in good faith in establishing the paternity of, or in establishing, modifying, or enforcing a support order for any child of such person by providing the **family support** division [of child support enforcement] with the name of the noncustodial parent of the child and such other information as the division may require with respect to such parent, subject to good cause and other exceptions to be applied in each case as defined by the **family support** division [of child support enforcement]; and

(2) A person who has applied for or is receiving assistance under programs funded under Part A of Title IV of the federal Social Security Act [and the work first program] shall assign to the state any rights to support from any other person such applicant may have in the applicant's own behalf or on behalf of any other family member for whom the applicant is applying for or receiving public assistance. An application for public assistance shall constitute an assignment of support rights and shall take effect by operation of law upon a determination that the applicant is eligible for public assistance. The assignment [is effective for both current and accrued support obligations, unless otherwise prohibited by the federal Social Security Act] **shall comply with the requirements of 42 U.S.C. Section 608(a)(3)**, and authorizes the **family support** division [of child support enforcement] to bring any administrative or judicial action to establish, modify or enforce a current support obligation, to collect support arrearages accrued under an existing order for support, or to seek reimbursement of public assistance provided by the state pursuant to Part IV of the federal Social Security Act.

2. For purposes of this section, "public assistance" means any income support benefit, including, but not limited to, money, institutional care, or shelter, except temporary shelter. Public assistance includes programs under the federal Social Security Act including, but not limited to, Part IV-A, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Public assistance shall not include:

- (1) A noncash benefit; or
- (2) A short term benefit.

217.450. 1. Any person confined in a department correctional facility may request a final disposition of any untried indictment, information or complaint pending in this state on the basis of which a **law enforcement agency, prosecuting attorney's office, or circuit attorney's office has delivered a certified copy of a warrant and has requested that a** detainer [has been] **be** lodged against him [while so imprisoned] **with the facility where the offender is confined**. The request shall be in writing addressed to the court in which the indictment, information or complaint is pending and to the prosecuting attorney charged with the duty of prosecuting it, and shall set forth the place of imprisonment.

2. **When the director receives a certified copy of a warrant and a written request by the issuing agency to place a detainer, the director shall lodge a detainer in favor of the requesting agency.** The director shall promptly inform each offender in writing of the source and nature of any untried indictment, information or complaint for which a detainer has been lodged against him of which the director has knowledge, and of his right to make a request for final disposition of such indictment, information or complaint on which the detainer is based.

3. Failure of the director to [inform an offender, as required by this section, within one year after a



detainer has been filed at the facility shall entitle him to a final dismissal of the indictment, information or complaint with prejudice] **comply with this section shall not be the basis for dismissing the indictment, information, or complaint unless the court also finds that the offender has been denied his constitutional right to a speedy trial.**

217.460. Within one hundred eighty days after the receipt of the request and certificate, pursuant to sections 217.450 and 217.455, by the court and the prosecuting attorney or within such additional necessary or reasonable time as the court may grant, for good cause shown in open court, the offender or his counsel being present, the indictment, information or complaint shall be brought to trial. The parties may stipulate for a continuance or a continuance may be granted if notice is given to the attorney of record with an opportunity for him to be heard. If the indictment, information or complaint is not brought to trial within the period **and if the court finds that the offender's constitutional right to a speedy trial has been denied**, no court of this state shall have jurisdiction of such indictment, information or complaint, nor shall the untried indictment, information or complaint be of any further force or effect; and the court shall issue an order dismissing the same with prejudice.

**227.409. The portion of interstate highway I-64/US 40 from the McClausland/Skinker interchange east to the I-64/I-55 interchange shall be designated the "Jack Buck Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway designation, with the cost to be paid for by private donation.**

347.179. The secretary shall charge and collect:

(1) For filing the original articles of organization, a fee of one hundred dollars;

**(2) For filing the original articles of organization online, in an electronic format prescribed by the secretary of state, a fee of forty-five dollars;**

**(3)** Applications for registration of foreign limited liability companies and issuance of a certificate of registration to transact business in this state, a fee of one hundred dollars;

**[(3)] (4)** Amendments to and restatements of articles of limited liability companies to application for registration of a foreign limited liability company or any other filing otherwise provided for, a fee of twenty dollars;

**[(4)] (5)** Articles of termination of limited liability companies or cancellation of registration of foreign limited liability companies, a fee of twenty dollars;

**[(5)] (6)** For filing notice of merger or consolidation, a fee of twenty dollars;

**[(6)] (7)** For filing a notice of winding up, a fee of twenty dollars;

**[(7)] (8)** For issuing a certificate of good standing, a fee of five dollars;

**[(8)] (9)** For a notice of the abandonment of merger or consolidation, a fee of twenty dollars;

**[(9)] (10)** For furnishing a copy of any document or instrument, a fee of fifty cents per page;

**[(10)] (11)** For accepting an application for reservation of a name, or for filing a notice of the transfer or cancellation of any name reservation, a fee of twenty dollars;

**[(11)] (12)** For filing a statement of change of address of registered office or registered agent, or both, a fee of five dollars;

[(12)] **(13)** For any service of notice, demand, or process upon the secretary as resident agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as taxable costs by the party instituting such suit, action, or proceeding causing such service to be made if such party prevails therein;

[(13)] **(14)** For filing an amended certificate of registration a fee of twenty dollars; and

[(14)] **(15)** For filing a statement of correction a fee of five dollars.

347.183. In addition to the other powers of the secretary established in sections 347.010 to 347.187, the secretary shall, as is reasonably necessary to enable the secretary to administer sections 347.010 to 347.187 efficiently and to perform the secretary's duties, have the following powers including, but not limited to:

(1) The power to examine the books and records of any limited liability company to which sections 347.010 to 347.187 apply, and it shall be the duty of any manager, member or agent of such limited liability company having possession or control of such books and records, to produce such books and records for examination on demand of the secretary or his designated employee; except that no person shall be subject to any criminal prosecution on account of any matter or thing which may be disclosed by examination of any limited liability company books and records, which they may produce or exhibit for examination; or on account of any other matter or thing concerning which they may make any voluntary and truthful statement in writing to the secretary or his designated employee. All facts obtained in the examination of the books and records of any limited liability company, or through the voluntary sworn statement of any manager, member, agent or employee of any limited liability company, shall be treated as confidential, except insofar as official duty may require the disclosure of same, or when such facts are material to any issue in any legal proceeding in which the secretary or his designated employee may be a party or called as witness, and, if the secretary or his designated employee shall, except as provided in this subdivision, disclose any information relative to the private accounts, affairs, and transactions of any such limited liability company, he shall be guilty of a class C misdemeanor. If any manager, member or registered agent in possession or control of such books and records of any such limited liability company shall refuse a demand of the secretary or his designated employee, to exhibit the books and records of such limited liability company for examination, such person shall be guilty of a class B misdemeanor;

(2) The power to cancel or disapprove any articles of organization or other filing required under sections 347.010 to 347.187, if the limited liability company fails to comply with the provisions of sections 347.010 to 347.187 by failing to file required documents under sections 347.010 to 347.187, by failing to maintain a registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting any filing, by filing a required document containing a false statement, or by violating any section or sections of the criminal laws of Missouri, the federal government or any other state of the United States. Thirty days before such cancellation shall take effect, the secretary shall notify the limited liability company with written notice, either personally or by certified mail, deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent in office, or to one of the limited liability company's members or managers. Written notice of the secretary's proposed cancellation to the limited liability company, domestic or foreign, shall specify the reasons for such action. The limited liability company may appeal this notice of proposed cancellation to the circuit court of the county in which the registered office of such limited liability company is or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy of the articles of organization or other relevant documents and a copy of the proposed written cancellation thereof by the secretary, such petition to be filed within thirty

days after notice of such cancellation shall have been given, and the matter shall be tried by the court, and the court shall either sustain the action of the secretary or direct him to take such action as the court may deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action. The limited liability company may provide information to the secretary that would allow the secretary to withdraw the notice of proposed cancellation. This information may consist of, but need not be limited to, corrected statements and documents, new filings, affidavits and certified copies of other filed documents;

(3) The power to rescind cancellation provided for in subdivision (2) of this section upon compliance with either of the following:

(a) The affected limited liability company provides the necessary documents and affidavits indicating the limited liability company has corrected the conditions causing the proposed cancellation or the cancellation; or

(b) The limited liability company provides the correct statements or documentation that the limited liability company is not in violation of any section of the criminal code; and

(4) The power to charge late filing fees for any filing fee required under sections 347.010 to 347.187 and the power to impose civil penalties as provided in section 347.053. Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency;

**(5) (a) The power to administratively cancel an articles of organization if the limited liability company's period of duration stated in articles of organization expires.**

**(b) Not less than thirty days before such administrative cancellation shall take effect, the secretary shall notify the limited liability company with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent and office or to one of the limited liability company's managers or members.**

**(c) If the limited liability company does not timely file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number of years or perpetual, or demonstrate to the reasonable satisfaction of the secretary that the period of duration determined by the secretary is incorrect, within sixty days after service of the notice is perfected by posting with the United States Postal Service, then the secretary shall cancel the articles of organization by signing an administrative cancellation that recites the grounds for cancellation and its effective date. The secretary shall file the original of the administrative cancellation and serve a copy on the limited liability company as provided in section 347.051.**

**(d) A limited liability company whose articles of organization has been administratively cancelled continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 347.147 and notify claimants under section 347.141.**

**(e) The administrative cancellation of an articles of organization does not terminate the authority of its registered agent.**

**(6) (a) The power to rescind an administrative cancellation and reinstate the articles of organization.**

**(b) Except as otherwise provided in the operating agreement, a limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may**

file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number or perpetual.

(c) A limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may apply to the secretary for reinstatement. The applicant shall:

a. Recite the name of the limited liability company and the effective date of its administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, as applicable, and be accompanied by documentation satisfactory to the secretary evidencing the same;

c. State that the limited liability company's name satisfies the requirements of section 347.020;

d. Be accompanied by a reinstatement fee in the amount of one hundred dollars, or such greater amount as required by state regulation, plus any delinquent fees, penalties, and other charges as determined by the secretary to then be due.

(d) If the secretary determines that the application contains the information and is accompanied by the fees required in paragraph (c) of this subdivision and that the information and fees are correct, the secretary shall rescind the cancellation and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original articles of organization, and serve a copy on the limited liability company as provided in section 347.051.

(e) When the reinstatement is effective, it shall relate back to and take effect as of the effective date of the administrative cancellation of the articles of organization and the limited liability company may continue carrying on its business as if the administrative cancellation had never occurred.

(f) In the event the name of the limited liability company was reissued by the secretary to another entity prior to the time application for reinstatement was filed, the limited liability company applying for reinstatement may elect to reinstate using a new name that complies with the requirements of section 347.020 and that has been approved by appropriate action of the limited liability company for changing the name thereof.

(g) If the secretary denies a limited liability company's application for reinstatement following administrative cancellation of the articles of organization, he or she shall serve the limited liability company as provided in section 347.051 with a written notice that explains the reason or reasons for denial.

(h) The limited liability company may appeal a denial of reinstatement as provided for in subdivision (2) of this section.

(7) Subdivision (6) of this section shall apply to any limited liability company whose articles of organization was cancelled because such limited liability company's period of duration stated in the articles of organization expired on or after August 28, 2003.

351.047. The secretary of state may prescribe and furnish on request forms for all documents required or permitted to be filed by this chapter. The use of the following forms is mandatory:

- (1) A foreign corporation's application for a certificate of authority to do business in this state;
- (2) A foreign corporation's application for a certificate of withdrawal;
- (3) A corporation's [annual] corporate registration report.

351.120. 1. Every corporation organized pursuant to the laws of this state, including corporations organized pursuant to or subject to this chapter, and every foreign corporation licensed to do business in this state, whether such license shall have been issued pursuant to this chapter or not, other than corporations exempted from taxation by the laws of this state, shall file [an annual corporation] **a corporate** registration report.

2. The [annual] corporate registration report shall state the corporate name, the name of its registered agent and such agent's Missouri **physical** address, giving street and number, or building and number, or both, as the case may require, the name and correct business or residence address of its officers and directors, and the mailing address of the corporation's principal place of business or corporate headquarters.

3. The [annual] corporate registration report shall **be filed annually, except as provided in section 351.122, and shall** be due the month that the corporation incorporated or qualified, **unless changed by the corporation under subsection 8 of this section.** Corporations existing prior to July 1, 2003, shall file the [annual] **corporate** registration report on the month indicated on the corporation's last [annual] **corporate registration** report. Corporations formed on or after July 1, 2003, shall file [an annual] **a corporate** registration report within thirty days of the date of incorporation or qualification and every year thereafter, **except as provided in section 351.122, in the month that they were incorporated or qualified, unless such month is changed by the corporation under subsection 8 of this section.**

4. The [annual] **corporate** registration report shall be signed by an officer or authorized person.

5. In the event of any error in the names and addresses of the officers and directors set forth in [an annual] **a corporate** registration report, the corporation may correct such information by filing a certificate of correction pursuant to section 351.049.

6. A corporation may change the corporation's registered office or registered agent with the filing of the corporation's [annual] **corporate** registration report. To change the corporation's registered agent with the filing of the [annual] **corporate** registration report, the corporation must include the new registered agent's written consent to the appointment as registered agent and a written consent stating that such change in registered agents was authorized by resolution duly adopted by the board of directors. The written consent must be signed by the new registered agent and must include such agent's address. If the [annual] corporate registration report is not completed correctly, the secretary of state may reject the filing of such report.

7. A corporation's [annual] **corporate** registration report must be filed in a format as prescribed by the secretary of state.

**8. A corporation may change the month of its corporate registration report in the corporation's initial corporate registration report or a subsequent report. To change its filing month, a corporation shall designate the desired month in its corporate registration report and include with that report an additional fee of twenty dollars. After a corporation registration report designating a new filing month is filed by the secretary of state, the corporation's next corporate registration report shall be filed in the newly designated month in the next year in which a report is due under subsection 3 of this section or under section 351.122. This subsection shall become effective January 1, 2010.**

**351.122. 1. Notwithstanding the provisions of section 351.120 to the contrary, beginning January 1, 2010, the secretary of state may provide corporations the option of biennially filing corporate registration reports. Any corporation incorporated or qualified in an even-numbered year may file a biennial corporate registration report only in an even-numbered calendar year, and any corporation**

incorporated or qualified in an odd-numbered year may file a biennial corporate registration report only in an odd-numbered calendar year, subject to the following requirements:

(1) The fee paid at the time of biennial registration shall be eighty dollars if the report is filed in a written format. The fee shall be thirty dollars if the report is filed via an electronic format prescribed by the secretary of state;

(2) A corporation's biennial corporate registration report shall be filed in a format as prescribed by the secretary of state;

(3) The secretary of state may collect an additional fee of ten dollars for each biennial corporate registration report filed under this section. Such fee shall be deposited into the state treasury and credited to the secretary of state's technology trust fund account.

2. Once a corporation chooses the option of biennial registration, such registration shall be maintained for the full twenty-four month period. Once the twenty-four month period has expired and another corporate registration report is due, a corporation may choose to file an annual registration report under section 351.120. However, upon making such choice the corporation may later only choose to file a biennial corporate registration report in a year appropriate under subsection 1 of this section, based on the year in which the corporation was incorporated.

3. The secretary of state may promulgate rules for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

351.125. Every corporation required to register under the provisions of this chapter shall pay to the state a fee of forty dollars for its [annual] **corporate** registration if the report is filed in a written format. The fee is fifteen dollars for each [annual] **corporate** registration report filed via an electronic format prescribed by the secretary of state. **Biennial corporate registration reports filed under section 351.122 shall require the fee prescribed in that section.** If a corporation fails to file a corporation registration report when due, it shall be assessed, in addition to its regular registration fee, a late fee of fifteen dollars for each thirty-day period within which the registration report is filed whether in writing or in an electronic format. If the registration report is not filed within ninety days, [the corporation shall forfeit its charter] **the secretary of state may proceed with administrative dissolution of such corporation under sections 351.484 and 351.486.**

351.127. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter, **provided that the secretary of state may collect an additional fee of ten dollars on each corporate registration report fee filed under section 351.122.** All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, 2017.

351.145. It shall be the duty of the secretary of state to send notice that the [annual] corporate registration report is due to each corporation in this state required to register. The notice shall be directed

to its registered office as disclosed originally by its articles of incorporation or by its application for a certificate of authority to transact business in this state and thereafter as disclosed by its **immediately preceding corporate** registration [for the year preceding] **report**, as provided by law. The secretary of state may provide a form of the [annual] corporate registration report for filing in a format and medium prescribed by the secretary of state.

351.155. It shall be the duty of the secretary of state to furnish forms of [annual] corporate registration reports to any corporation upon request to any representative of the corporation, but no such form of the [annual] corporate registration report shall be furnished unless the name of the corporation for which [they are] **it is** desired shall accompany the request.

351.484. The secretary of state may commence a proceeding pursuant to section 351.486 to dissolve a corporation administratively if:

(1) The corporation fails to pay any final assessment of Missouri corporation franchise tax as provided in chapter 147, RSMo, and the director of revenue has notified the secretary of state of such failure;

(2) The corporation fails or neglects to file the Missouri corporation franchise tax report required pursuant to chapter 147, RSMo, provided the director of revenue has provided a place on both the individual and corporation income tax return to indicate no such tax is due and provided the director has delivered or mailed at least two notices of such failure to file to the usual place of business of such corporation or the corporation's last known address and the corporation has failed to respond to such second notice within thirty days of the date of mailing of the second notice and the director of revenue has notified the secretary of state of such failure;

(3) The corporation fails to file any corporation income tax return or pay any final assessment of corporation income tax as provided in chapter 143, RSMo, and the director of revenue has notified the secretary of state of such failure;

(4) The corporation does not deliver its [annual] **corporate registration** report to the secretary of state within [thirty] **ninety** days after it is due;

(5) The corporation is without a registered agent or registered office in this state for thirty days or more;

(6) The corporation does not notify the secretary of state within thirty days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued;

(7) The corporation's period of duration stated in its articles of incorporation expires;

(8) The corporation procures its franchise through fraud practiced upon the state;

(9) The corporation has continued to exceed or abuse the authority conferred upon it by law, or has continued to violate any section or sections of the criminal law of the state of Missouri after a written demand to discontinue the same has been delivered by the secretary of state to the corporation, either personally or by mail;

(10) The corporation fails to pay any final assessment of employer withholding tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified the secretary of state of such failure; or

(11) The corporation fails to pay any final assessment of sales and use taxes, as provided in chapter 144,

RSMo, and the director of revenue has notified the secretary of state of such failure.

351.592. 1. The registered agent of a foreign corporation may resign his agency appointment by signing and delivering to the secretary of state for filing the original and two exact or conformed copies of a statement of resignation. The statement of resignation may include a statement that the registered office is also discontinued.

2. After filing the statement, the secretary of state shall attach the filing receipt to one copy, and mail the copy and receipt to the registered office if not discontinued. The secretary of state shall mail the other copy to the foreign corporation at its principal office address shown in its most recent [annual] **corporate registration** report.

3. The agency appointment is terminated, and the registered office discontinued if so provided, on the thirty-first day after the date on which the statement was filed.

351.594. 1. The registered agent of a foreign corporation authorized to transact business in this state is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the foreign corporation.

2. A foreign corporation may be served by registered or certified mail, return receipt requested, addressed to the secretary of the foreign corporation at its principal office shown in its application for a certificate of authority or in its most recent [annual] **corporate registration** report, if the foreign corporation:

- (1) Has no registered agent or its registered agent cannot with reasonable diligence be served;
- (2) Has withdrawn from transacting business in this state as provided in section 351.596; or
- (3) Has had its certificate of authority revoked under section 351.602.

If the corporation has no secretary or if the secretary cannot, after the exercise of reasonable diligence, be served, then service on the corporation may be obtained by registered or certified mail, return receipt requested, addressed to any person designated as a director or officer of the corporation at any place of business of the corporation, or at the residence of or any usual business address of such director or officer.

3. Service is perfected as provided in subsection 2 of this section at the earliest of:

- (1) The date the foreign corporation receives the mail;
- (2) The date shown on the return receipt, if signed on behalf of the foreign corporation; or
- (3) Five days after its deposit in the United States mail, as evidenced by the postmark, if mailed postpaid and correctly addressed.

4. This section does not prescribe the only means, or necessarily the required means, of serving a foreign corporation.

351.598. The secretary of state may commence a proceeding pursuant to section 351.602 to revoke the certificate of a foreign corporation authorized to transact business in this state if:

- (1) The foreign corporation does not deliver its [annual] **corporate registration** report to the secretary of state within thirty days after it is due;
- (2) The foreign corporation fails to pay any final assessment of Missouri corporation franchise tax, as provided in chapter 147, RSMo, and the director of revenue has notified the secretary of state of such



failure;

(3) The foreign corporation is without a registered agent or registered office in this state for thirty days or more;

(4) The foreign corporation does not inform the secretary of state pursuant to section 351.588 or 351.592 that its registered agent or registered office has changed, that its registered agent has resigned, or that its registered office has been discontinued within thirty days of the change, resignation, or discontinuance;

(5) An incorporator, director, officer, or agent of the foreign corporation signed a document the person knew was false in any material respect with intent that the document be delivered to the secretary of state for filing;

(6) The secretary of state receives a duly authenticated certificate from [the secretary of state or other] **an** official having custody of corporate records in the state or country under whose law the foreign corporation is incorporated stating that it has been dissolved or has disappeared as the result of a merger;

(7) The foreign corporation fails to pay any final assessment of employer withholding tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified the secretary of state of such failure; or

(8) The foreign corporation fails to pay any final assessment of sales and use taxes, as provided in chapter 144, RSMo, and the director of revenue has notified the secretary of state of such failure.

351.602. 1. If the secretary of state determines that one or more grounds exist under section 351.598 for revocation of a certificate of authority, he shall serve the foreign corporation with written notice of his determination as provided in section 351.594.

2. If the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty days after service of the notice is perfected under section 351.594, the secretary of state may revoke the foreign corporation's certificate of authority by signing a certificate of revocation that recites the ground or grounds for revocation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the foreign corporation as provided in section 351.594.

3. The authority of a foreign corporation to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority.

4. The secretary of state's revocation of a foreign corporation's certificate of authority appoints the secretary of state the foreign corporation's agent for service of process in any proceeding based on a cause of action which arose during the time the foreign corporation was authorized to transact business in this state. Service of process on the secretary of state under this subsection is service on the foreign corporation. Upon receipt of process, the secretary of state shall mail a copy of the process to the secretary of the foreign corporation at its principal office shown in its most recent [annual] **corporate registration** report or in any subsequent communication received from the corporation specifically advising the secretary of state of the current mailing address of its principal office, or, if none are on file, in its application for a certificate of authority.

5. Revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered agent of the corporation.

351.690. The provisions of this chapter shall be applicable to existing corporations and corporations not

formed pursuant to this chapter as follows:

(1) Those provisions of this chapter requiring reports, registration statements and the payment of taxes and fees, shall be applicable, to the same extent and with the same effect, to all existing corporations, domestic and foreign, which were required to make such reports and registration statements and to pay such taxes and fees, prior to November 21, 1943;

(2) The provisions of this chapter shall be applicable to banks, trust companies and safe deposit companies when such provisions relating to the internal affairs of a corporation supplement the existing provisions of chapter 362, RSMo, or when the provisions of chapter 362, RSMo, do not deal with a matter involving the internal affairs of a corporation organized pursuant to the provisions of chapter 362, RSMo, as well as those provisions mentioned in subdivision (1) of this section, to the extent applicable. For the purposes of this chapter, the “internal affairs of a corporation” shall include, but not be limited to, matters of corporate governance, director and officer liability, and financial structure;

(3) No provisions of this chapter, other than those mentioned in subdivision (1) of this section, and then only to the extent required by the statutes pursuant to which they are incorporated, or other than the provisions of section 351.347, or section 351.355, shall be applicable to insurance companies, savings and loan associations, corporations formed for benevolent, religious, scientific or educational purposes, and nonprofit corporations;

(4) Only those provisions of this chapter which supplement the existing laws applicable to railroad corporations, union stations, cooperative companies for profit, credit unions, street railroads, telegraph and telephone companies, booming and rafting companies, urban redevelopment corporations, professional corporations, development finance corporations, and loan and investment companies, and which are not inconsistent with, or in conflict with the purposes of, or are not in derogation or limitation of, such existing laws, shall be applicable to the type of corporations mentioned above in this subdivision; and without limiting the generality of the foregoing, those provisions of this chapter which permit the issuance of shares without par value and the amendment of articles of incorporation for such purpose shall be applicable to railroad corporations, union stations, street railroads, telegraph and telephone companies, and booming and rafting companies, professional corporations, development finance corporations, and loan and investment companies, and those provisions of this chapter mentioned in subdivisions (1) and (2) of this section will apply to all corporations mentioned in this subdivision; except that, the [annual] **corporate registration** report and fee of a professional corporation pursuant to section 356.211, RSMo, shall suffice in lieu of the [annual] **corporate registration report** and fee required of a business corporation;

(5) All of the provisions of this chapter to the extent provided shall apply to all other corporations existing pursuant to general laws of this state enacted prior to November 21, 1943, and not specifically mentioned in subdivisions (1), (2) and (3) of this section.

355.016. 1. The secretary of state may prescribe and furnish on request, forms for:

- (1) A foreign corporation’s application for a certificate of authority to transact business in this state;
- (2) A foreign corporation’s application for a certificate of withdrawal; and
- (3) The [annual] **corporate registration** report.

If the secretary of state so requires, use of these forms is mandatory.

2. The secretary of state may prescribe and furnish on request forms for other documents required or

permitted to be filed by this chapter but their use is not mandatory.

355.021. 1. The secretary of state shall collect the following fees when the documents described in this subsection are delivered for filing:

- (1) Articles of incorporation, twenty dollars;
- (2) Application for reserved name, twenty dollars;
- (3) Notice of transfer of reserved name, two dollars;
- (4) Application for renewal of reserved name, twenty dollars;
- (5) Corporation's statement of change of registered agent or registered office or both, five dollars;
- (6) Agent's statement of change of registered office for each affected corporation, five dollars;
- (7) Agent's statement of resignation, five dollars;
- (8) Amendment of articles of incorporation, five dollars;
- (9) Restatement of articles of incorporation with amendments, five dollars;
- (10) Articles of merger, five dollars;
- (11) Articles of dissolution, five dollars;
- (12) Articles of revocation of dissolution, five dollars;
- (13) Application for reinstatement following administrative dissolution, twenty dollars;
- (14) Application for certificate of authority, twenty dollars;
- (15) Application for amended certificate of authority, five dollars;
- (16) Application for certificate of withdrawal, five dollars;
- (17) [Annual] **Corporate registration** report **filed annually**, ten dollars if filed in a written format or five dollars if filed electronically in a format prescribed by the secretary of state;
- (18) **Corporate registration** report **filed biennially, twenty dollars if filed in a written format or ten dollars if filed electronically in a format prescribed by the secretary of state;**
- (19) Articles of correction, five dollars;
- [(19)] (20) Certificate of existence or authorization, five dollars;
- [(20)] (21) Any other document required or permitted to be filed by this chapter, five dollars.

2. The secretary of state shall collect a fee of ten dollars upon being served with process under this chapter. The party to a proceeding causing service of process is entitled to recover the fee paid the secretary of state as costs if the party prevails in the proceeding.

3. The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation: in a written format fifty cents per page plus five dollars for certification, or in an electronic format five dollars for certification and copies.

355.066. Unless the context otherwise requires or unless otherwise indicated, as used in this chapter the following terms mean:

(1) “Approved by or approval by the members”, approved or ratified by the affirmative vote of a majority of the voters represented and voting at a duly held meeting at which a quorum is present, which affirmative votes also constitute a majority of the required quorum, or by a written ballot or written consent in conformity with this chapter, or by the affirmative vote, written ballot or written consent of such greater proportion, including the votes of all the members of any class, unit or grouping as may be provided in the articles, bylaws or this chapter for any specified member action;

(2) “Articles of incorporation” or “articles”, amended and restated articles of incorporation and articles of merger;

(3) “Board” or “board of directors”, the board of directors except that no person or group of persons is the board of directors because of powers delegated to that person or group pursuant to section 355.316;

(4) “Bylaws”, the code or codes of rules, other than the articles, adopted pursuant to this chapter for the regulation or management of the affairs of the corporation, irrespective of the name or names by which such rules are designated. Bylaws shall not include legally enforceable covenants, declarations, indentures or restrictions imposed upon members by validly recorded indentures, declarations, covenants, restrictions or other recorded instruments, as they apply to real property;

(5) “Class”, a group of memberships which have the same rights with respect to voting, dissolution, redemption and transfer. For the purpose of this section, “rights” shall be considered the same if they are determined by a formula applied uniformly;

(6) “Corporation”, public benefit and mutual benefit corporations;

(7) “Delegates”, those persons elected or appointed to vote in a representative assembly for the election of a director or directors or on other matters;

(8) “Deliver” includes mail;

(9) “Directors”, individuals, designated in the articles or bylaws or elected by the incorporator or incorporators, and their successors and individuals elected or appointed by any other name or title to act as members of the board;

(10) “Distribution”, the payment of a dividend or any part of the income or profit of a corporation to its members, directors or officers;

(11) “Domestic corporation”, a Missouri corporation;

(12) “Effective date of notice” is defined in section 355.071;

(13) “Employee” does not include an officer or director who is not otherwise employed by the corporation;

(14) “Entity”, domestic corporations and foreign corporations, business corporations and foreign business corporations, for-profit and nonprofit unincorporated associations, business trusts, estates, partnerships, trusts, and two or more persons having a joint or common economic interest, and a state, the United States, and foreign governments;

(15) “File”, “filed” or “filing”, filed in the office of the secretary of state;

(16) “Foreign corporation”, a corporation organized under a law other than the laws of this state which would be a nonprofit corporation if formed under the laws of this state;

(17) “Governmental subdivision” includes authority, county, district, and municipality;

(18) “Includes” denotes a partial definition;

(19) “Individual”, a natural person;

(20) “Means” denotes a complete definition;

(21) “Member”, without regard to what a person is called in the articles or bylaws, any person or persons who on more than one occasion, pursuant to a provision of a corporation’s articles or bylaws, have the right to vote for the election of a director or directors; but a person is not a member by virtue of any of the following:

(a) Any rights such person has as a delegate;

(b) Any rights such person has to designate a director or directors; or

(c) Any rights such person has as a director;

(22) “Membership”, the rights and obligations a member or members have pursuant to a corporation’s articles, bylaws and this chapter;

(23) “Mutual benefit corporation”, a domestic corporation which is formed as a mutual benefit corporation pursuant to sections 355.096 to 355.121 or is required to be a mutual benefit corporation pursuant to section 355.881;

(24) “Notice” is defined in section 355.071;

(25) “Person” includes any individual or entity;

(26) “Principal office”, the office, in or out of this state, so designated in the [annual] **corporate registration** report filed pursuant to section 355.856 where the principal offices of a domestic or foreign corporation are located;

(27) “Proceeding” includes civil suits and criminal, administrative, and investigatory actions;

(28) “Public benefit corporation”, a domestic corporation which is formed as a public benefit corporation pursuant to sections 355.096 to 355.121, or is required to be a public benefit corporation pursuant to section 355.881;

(29) “Record date”, the date established pursuant to sections 355.181 to 355.311 on which a corporation determines the identity of its members for the purposes of this chapter;

(30) “Resident”, a full-time resident of a long-term care facility or residential care facility;

(31) “Secretary”, the corporate officer to whom the board of directors has delegated responsibility pursuant to subsection 2 of section 355.431 for custody of the minutes of the directors’ and members’ meetings and for authenticating the records of the corporation;

(32) “State”, when referring to a part of the United States, includes a state or commonwealth, and its agencies and governmental subdivisions, and any territory or insular possession, and its agencies and governmental subdivisions, of the United States;

(33) “United States” includes any agency of the United States;

(34) “Vote” includes authorization by written ballot and written consent; and

(35) “Voting power”, the total number of votes entitled to be cast for the election of directors at the time the determination of voting power is made, excluding a vote which is contingent upon the happening of a condition or event that has not occurred at the time. Where a class is entitled to vote as a class for directors, the determination of voting power of the class shall be based on the percentage of the number of directors the class is entitled to elect out of the total number of authorized directors.

355.071. 1. For purposes of this chapter, notice may be oral or written.

2. Notice may be communicated in person, by telephone, telegraph, teletype, or other form of wire or wireless communication, or by mail or private carrier; if these forms of personal notice are impracticable, notice may be communicated by a newspaper of general circulation in the area where published, or by radio, television, or other form of public broadcast communication.

3. Oral notice is effective when communicated if communicated in a comprehensible manner.

4. Written notice, if in a comprehensible form, is effective at the earliest of the following:

(1) When received;

(2) Five days after its deposit in the United States mail, as evidenced by the postmark, if mailed correctly addressed and with first class postage affixed;

(3) On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee;

(4) Thirty days after its deposit in the United States mail, as evidenced by the postmark, if mailed correctly addressed and with other than first class, registered or certified postage affixed.

5. Written notice is correctly addressed to a member of a domestic or foreign corporation if addressed to the member’s address shown in the corporation’s current list of members.

6. A written notice or report delivered as part of a newsletter, magazine or other publication regularly sent to members shall constitute a written notice or report if addressed or delivered to the member’s address shown in the corporation’s current list of members, or in the case of members who are residents of the same household and who have the same address in the corporation’s current list of members, if addressed or delivered to one of such members, at the address appearing on the current list of members.

7. Written notice is correctly addressed to a domestic or foreign corporation, authorized to transact business in this state, other than in its capacity as a member, if addressed to its registered agent or to its secretary at its principal office shown in its most recent [annual] **corporate registration** report or, in the case of a foreign corporation that has not yet delivered [an annual] **a corporate registration** report, in its application for a certificate of authority.

8. If subsection 2 of section 355.251 or any other provision of this chapter prescribes notice requirements for particular circumstances, those requirements govern. If the articles or bylaws prescribe notice requirements, not inconsistent with this section or other provisions of this chapter, those requirements govern. Failure to comply with the terms of this section shall not invalidate the terms of the notice delivered.

355.151. 1. A person may reserve the exclusive use of a corporate name, including a fictitious name for a foreign corporation whose corporate name is not available, by delivering an application to the secretary of state for filing. Upon finding that the corporate name applied for is available, the secretary of state shall reserve the name for the applicant’s exclusive use for a sixty-day period. **A name reservation shall not**

**exceed a period of one hundred eighty days from the date of the first name reservation application. Upon the hundred eighty-first day, the name shall cease reserve status and shall not be placed back in reserve status.**

2. The owner of a reserved corporate name may transfer the reservation to another person by delivering to the secretary of state a signed notice of the transfer that states the name and address of the transferee.

355.176. 1. A corporation's registered agent is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the corporation.

2. If a corporation has no registered agent, or the agent cannot with reasonable diligence be served, the corporation may be served by registered or certified mail, return receipt requested, addressed to the secretary of the corporation at its principal office shown in the most recent [annual] **corporate registration** report filed under section 355.856. Service is perfected under this subsection on the earliest of:

(1) The date the corporation receives the mail;

(2) The date shown on the return receipt, if signed on behalf of the corporation; or

(3) Five days after its deposit in the United States mail, if mailed and correctly addressed with first class postage affixed.

3. This section does not prescribe the only means, or necessarily the required means, of serving a corporation.

355.688. A voluntarily dissolved corporation must continue to file the [annual] **corporate** registration report and pay all required taxes due the state of Missouri until the effective date of articles of termination.

355.706. The secretary of state may commence a proceeding under section 355.711 to administratively dissolve a corporation if:

(1) The corporation does not pay within thirty days after they are due fees or penalties imposed by this chapter;

(2) The corporation does not deliver its [annual] **corporate registration** report to the secretary of state within [thirty] **ninety** days after it is due;

(3) The corporation is without a registered agent or registered office in this state for thirty days or more;

(4) The corporation does not notify the secretary of state within thirty days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued;

(5) The corporation's period of duration, if any, stated in its articles of incorporation expires; or

(6) The corporation has procured its charter through fraud practiced upon the state.

355.796. 1. The registered agent of a foreign corporation authorized to transact business in this state is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the foreign corporation.

2. A foreign corporation may be served by registered or certified mail, return receipt requested, addressed to the secretary of the foreign corporation at its principal office shown in its application for a certificate of authority or in its more recent [annual] **corporate registration** report filed under section 355.856 if the foreign corporation:

- (1) Has no registered agent or its registered agent cannot with reasonable diligence be served;
- (2) Has withdrawn from transacting business in this state under section 355.801; or
- (3) Has had its certificate of authority revoked under section 355.811.

3. Service is perfected under subsection 2 of this section at the earliest of:

- (1) The date the foreign corporation receives the mail;
- (2) The date shown on the return receipt, if signed on behalf of the foreign corporation; or
- (3) Five days after its deposit in the United States mail, as evidenced by the postmark if mailed postpaid and correctly addressed.

4. This section does not prescribe the only means, or necessarily the required means, of serving a foreign corporation.

355.806. 1. The secretary of state may commence a proceeding under section 355.811 to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(1) The foreign corporation does not deliver the [annual] **corporate registration** report to the secretary of state within thirty days after it is due;

(2) The foreign corporation does not pay within thirty days after they are due any fees or penalties imposed by this chapter;

(3) The foreign corporation is without a registered agent or registered office in this state for thirty days or more;

(4) The foreign corporation does not inform the secretary of state under section 355.786 or 355.791 that its registered agent or registered office has changed, that its registered agent has resigned, or that its registered office has been discontinued within thirty days of the change, resignation, or discontinuance;

(5) An incorporator, director, officer or agent of the foreign corporation signed a document such person knew was false in any material respect with intent that the document be delivered to the secretary of state for filing;

(6) The secretary of state receives a duly authenticated certificate from the secretary of state or other official having custody of corporate records in the state or country under whose law the foreign corporation is incorporated stating that it has been dissolved or disappeared as the result of a merger; or

(7) The corporation procured its certificate of authority through fraud practiced on the state.

2. The attorney general may commence a proceeding under section 355.811 to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(1) The corporation has continued to exceed or abuse the authority conferred upon it by law;

(2) The corporation would have been a public benefit corporation other than a church or convention or association of churches had it been incorporated in this state and that its corporate assets in this state are being misapplied or wasted; or

(3) The corporation would have been a public benefit corporation other than a church or convention or association of churches had it been incorporated in this state and it is no longer able to carry out its purposes.



355.811. 1. The secretary of state upon determining that one or more grounds exist under section 355.806 for revocation of a certificate of authority shall serve the foreign corporation with written notice of that determination under section 355.796.

2. The attorney general upon determining that one or more grounds exist under subsection 2 of section 355.806 for revocation of a certificate of authority shall request the secretary of state to serve, and the secretary of state shall serve the foreign corporation with written notice of that determination under section 355.796.

3. If the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state or attorney general that each ground for revocation determined by the secretary of state or attorney general does not exist within sixty days after service of the notice is perfected under section 355.796, the secretary of state may revoke the foreign corporation's certificate of authority by signing a certificate of revocation that recites the ground or grounds for revocation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the foreign corporation under section 355.796.

4. The authority of a foreign corporation to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority.

5. The secretary of state's revocation of a foreign corporation's certificate of authority appoints the secretary of state the foreign corporation's agent for service of process in any proceeding based on a cause of action which arose during the time the foreign corporation was authorized to transact business in this state. Service of process on the secretary of state under this subsection is service on the foreign corporation. Upon receipt of process, the secretary of state shall mail a copy of the process to the secretary of the foreign corporation at its principal office shown in its most recent [annual] **corporate registration** report or in any subsequent communications received from the corporation stating the current mailing address of its principal office, or, if none are on file, in its application for a certificate of authority.

6. Revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered agent of the corporation.

355.821. 1. A corporation shall keep as permanent records minutes of all meetings of its members and board of directors, a record of all actions taken by the members or directors without a meeting, and a record of all actions taken by committees of the board of directors as authorized by subsection 4 of section 355.406.

2. A corporation shall maintain appropriate accounting records.

3. A corporation or its agent shall maintain a record of its members in a form that permits preparation of a list of the names and addresses of all members, in alphabetical order by class showing the number of votes each member is entitled to vote.

4. A corporation shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time.

5. A corporation shall keep a copy of the following records at its principal office:

- (1) Its articles or restated articles of incorporation and all amendments to them currently in effect;
- (2) Its bylaws or restated bylaws and all amendments to them currently in effect;
- (3) Resolutions adopted by its board of directors relating to the characteristics, qualifications, rights,

limitations and obligations of members or any class or category of members;

(4) The minutes of all meetings of members and records of all actions approved by the members for the past three years;

(5) All written communications to all members or any specific class of members generally within the past three years, including the financial statements furnished for the past three years under section 355.846;

(6) A list of the names and business or home addresses of its current directors and officers;

(7) Its most recent [annual] **corporate registration** report delivered to the secretary of state under section 355.856; and

(8) Appropriate financial statements of all income and expenses. Public benefit corporations shall not be required, under this chapter, to disclose any information with respect to donors, gifts, contributions or the purchase or sale of art objects.

355.856. 1. Each domestic corporation, and each foreign corporation authorized pursuant to this chapter to transact business in this state, shall file with the secretary of state [an annual] **a** corporate registration report on a form prescribed and furnished by the secretary of state that sets forth:

(1) The name of the corporation and the state or country under whose law it is incorporated;

(2) The address of its registered office and the name of its registered agent at the office in this state;

(3) The address of its principal office;

(4) The names and physical business or residence addresses of its directors and principal officers.

2. The information in the [annual] corporate registration report must be current on the date the [annual] corporate registration report is executed on behalf of the corporation.

3. The [first annual] **initial** corporate registration report must be delivered to the secretary of state no later than August thirty-first of the year following the calendar year in which a domestic corporation was incorporated or a foreign corporation was authorized to transact business. Subsequent [annual] corporate registration reports must be delivered to the secretary of state no later than August thirty-first of the following calendar years, **except as provided in section 355.857**. If [an annual] **a** corporate registration report is not filed within the time limits prescribed by this section, the secretary of state shall not accept the report unless it is accompanied by a fifteen dollar fee. Failure to file the [annual] registration report as required by this section will result in the administrative dissolution of the corporation as set forth in section 355.706.

4. If [an annual] **a** corporate registration report does not contain the information required by this section, the secretary of state shall promptly notify the reporting domestic or foreign corporation in writing and return the report to it for correction.

5. A corporation may change the corporation's registered office or registered agent with the filing of the corporation's [annual] registration report. To change the corporation's registered agent with the filing of the [annual] registration report, the corporation must include the new registered agent's written consent to the appointment as registered agent and a written consent stating that such change in registered agents was authorized by resolution duly adopted by the board of directors. The written consent must be signed by the new registered agent and must include such agent's address. If the [annual] corporate registration report is not completed correctly, the secretary of state may reject the filing of such report.

6. A corporation's [annual] **corporate** registration report must be filed in a format and medium prescribed by the secretary of state.

7. The [annual] **corporate** registration report shall be signed by an officer or authorized person and pursuant to this section represents that the signer believes the statements are true and correct to the best knowledge and belief of the person signing, subject to the penalties of section 575.040, RSMo.

**355.857. 1. Notwithstanding the provisions of section 355.856 to the contrary, beginning January 1, 2010, the secretary of state may provide corporations the option of biennially filing corporate registration reports. Any corporation incorporated or qualified in an even-numbered year may file a biennial corporate registration report only in an even-numbered calendar year, and any corporation incorporated or qualified in an odd-numbered year may file a biennial corporate registration report only in an odd-numbered calendar year, subject to the following requirements:**

**(1) The fee paid at the time of biennial registration shall be that specified in section 355.021;**

**(2) A corporation's biennial corporate registration report shall be filed in a format as prescribed by the secretary of state;**

**(3) The secretary of state may collect an additional fee of ten dollars on each biennial corporate registration report filed under this section. Such fee shall be deposited into the state treasury and credited to the secretary of state's technology trust fund account.**

**2. Once a corporation chooses the option of biennial registration, such registration shall be maintained for the full twenty-four month period. Once the twenty-four month period has expired and another corporate registration report is due, a corporation may choose to file an annual registration report under section 355.856. However, upon making such choice the corporation may later only choose to file a biennial corporate registration report in a year appropriate under subsection 1 of this section, based on the year in which the corporation was incorporated.**

**3. The secretary of state may promulgate rules for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

**356.211. 1. Each professional corporation and each foreign professional corporation shall file with the secretary of state [an annual corporation] a **corporate** registration report pursuant to section 351.120, RSMo, or section 351.122, RSMo. The corporate registration report shall set forth the following information: the names and residence or physical business addresses of all officers, directors and shareholders of that professional corporation as of the date of the report.**

**2. The report shall be made on a form to be prescribed and furnished by the secretary of state, and shall be executed by an officer of the corporation or authorized person.**

**3. A filing fee in the amount set out in section 351.125, RSMo, or section 351.122, RSMo, shall be paid with the filing of each report, and no other fees shall be charged therefor; except that, penalty fees may be**

imposed by the secretary of state for late filings. The report shall be filed subject to the time requirements of section 351.120, RSMo, or **section 351.122, RSMo**.

4. If a professional corporation or foreign professional corporation shall fail to file a report qualifying with the provisions of this section when such a filing is due, then the corporation shall be subject to the provisions of chapter 351, RSMo, that are applicable to a corporation that has failed to timely file the [annual] **corporate registration** report required to be filed under chapter 351, RSMo.

359.681. In addition to the power and authority given the secretary of state by this chapter, the secretary of state or his designee shall have such further authority as is reasonably necessary to enable the secretary of state to administer this chapter efficiently and to perform the secretary of state's duties. This authority shall consist of, but is not limited to, the following powers:

(1) (a) The power to examine the books and records of any limited partnership to which this chapter applies, and it shall be the duty of any general partner or agent of such limited partnership to produce such books and records for examination on demand of the secretary of state or designated employee; provided, that no person shall be subject to any criminal prosecution on account of any matter or thing which may be disclosed by the examination of any limited partnership books, or records, which they may produce or exhibit for examination; or on account of any matter or thing concerning which they may make any voluntary and truthful statement in writing to the secretary of state, or designated employee. All facts obtained in the examination of the books and records of any limited partnership, or through voluntary sworn statement of any partner, agent, or employee of any limited partnership, shall be treated as confidential, except insofar as official duty may require the disclosure of same; or when such facts are material to any issue in any legal proceeding in which the secretary of state or designated employee may be a party or called as a witness, and, if the secretary of state or designated employee shall, except as herein provided, disclose any information relative to the private accounts, affairs, and transactions of any such limited partnership, he shall be deemed guilty of a class C misdemeanor.

(b) If any general partner, or registered agent, of any such limited partnership shall refuse the demand of the secretary of state, or designated employee, to exhibit the books and records of such limited partnership for examination, he, or they, shall be deemed guilty of a class B misdemeanor.

(2) (a) The power to cancel or disapprove any certificate of limited partnership or other filing required under this chapter, if the limited partnership fails to comply with the provisions of this chapter by failing to file required documents under this chapter by failing to maintain a registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting any filing, by filing a required document containing a false statement, or by violating any section or sections of the criminal laws of Missouri, the federal government or any other state of the United States. Thirty days before such cancellation shall take effect, the secretary of state shall notify the limited partnership with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited partnership's last registered agent and office or to one of the limited partnership's general partners. The written notice of the secretary of state's proposed cancellation to the limited partnership, domestic or foreign, will specify the reasons for such action.

(b) The limited partnership may appeal this notice of proposed cancellation to the circuit court of the county in which the registered office of such limited partnership is or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy of the certificate of limited partnership or other relevant documents and a copy of the proposed written cancellation thereof by the secretary of state, such

petition to be filed within thirty days after notice of such cancellation shall have been given, and the matter shall be tried by the court, and the court shall either sustain the action of the secretary of state or direct him to take such action as the court may deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action.

(c) The limited partnership may provide information to the secretary of state that would allow the secretary of state to withdraw the notice of proposed cancellation. This information may consist of, but need not be limited to, corrected statements and documents, new filings, affidavits and certified copies of other filed documents.

(3) The power to rescind a cancellation provided for in subsection 2 of this section upon compliance with either of the following:

(a) The affected limited partnership provides the necessary documents and affidavits indicating the limited partnership has corrected the conditions causing the proposed cancellation or the cancellation;

(b) The limited partnership provides the correct statements or documentation that the limited partnership is not in violation of any section of the criminal code.

(4) The power to charge late filing fees for any filing fee required under this chapter. Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency.

**(5) (a) The power to administratively cancel a certificate of limited partnership if the limited partnership's period of duration stated in the certificate of limited partnership expires.**

**(b) Not less than thirty days before such administrative cancellation shall take effect, the secretary of state shall notify the limited partnership with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited partnership's last registered agent and office or to one of the limited partnership's general partners.**

**(c) If the limited partnership does not timely file a certificate of amendment in accordance with section 359.101 to extend the duration of the limited partnership, which may be any number of years or perpetual, or demonstrate to the reasonable satisfaction of the secretary of state that the period of duration determined by the secretary of state is incorrect, within sixty days after service of the notice is perfected by posting with the United States Postal Service, then the secretary of state shall cancel the certificate of limited partnership by signing a certificate of administrative cancellation that recites the grounds for cancellation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the limited partnership as provided in section 359.141.**

**(d) A limited partnership whose certificate of limited partnership has been administratively cancelled continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 359.471 and notify claimants under section 359.481.**

**(e) The administrative cancellation of a certificate of limited partnership does not terminate the authority of its registered agent.**

**(6) (a) The power to rescind an administrative cancellation and reinstate the certificate of limited partnership.**

**(b) Except as otherwise provided in the partnership agreement, a limited partnership whose**

certificate of limited partnership has been administratively cancelled under subdivision (5) of this section may file a certificate of amendment in accordance with section 359.101 to extend the duration of the limited partnership, which may be any number or perpetual.

(c) A limited partnership whose certificate of limited partnership has been administratively cancelled under subdivision (5) of this section may apply to the secretary of state for reinstatement. The applicant shall:

a. Recite the name of the limited partnership and the effective date of its administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, as applicable, and be accompanied by documentation satisfactory to the secretary of state evidencing the same;

c. State that the limited partnership's name satisfies the requirements of section 359.021;

d. Be accompanied by a reinstatement fee in the amount of one hundred dollars, or such greater amount as required by state regulation, plus any delinquent fees, penalties, and other charges as determined by the secretary of state to then be due.

(d) If the secretary of state determines that the application contains the information and is accompanied by the fees required in paragraph (c) of this subdivision and that the information and fees are correct, the secretary of state shall rescind the certificate of administrative cancellation and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original of the certificate, and serve a copy on the limited partnership as provided in section 359.141.

(e) When the reinstatement is effective, it shall relate back to and take effect as of the effective date of the administrative cancellation of the certificate of limited partnership and the limited partnership may continue carrying on its business as if the administrative cancellation had never occurred.

(f) In the event the name of the limited partnership was reissued by the secretary of state to another entity prior to the time application for reinstatement was filed, the limited partnership applying for reinstatement may elect to reinstate using a new name that complies with the requirements of section 359.021 and that has been approved by appropriate action of the limited partnership for changing the name thereof.

(g) If the secretary of state denies a limited partnership's application for reinstatement following administrative cancellation of the certificate of limited partnership, he or she shall serve the limited partnership as provided in section 359.141 with a written notice that explains the reason or reasons for denial.

(h) The limited partnership may appeal a denial of reinstatement as provided for in paragraph (b) of subdivision (2) of this section.

(7) Subdivision (6) of this section shall apply to any limited partnership whose certificate of limited partnership was cancelled because such limited partnership's period of duration stated in the certificate of limited partnership expired on or after August 28, 2003.

376.789. 1. (1) This section applies to an individual or a group specified disease insurance policy

issued to any person that contains the terms “actual charge” or “actual fee” without containing an express definition of the term.

(2) “Actual charge” or “actual fee” when used in an individual specified disease insurance policy in connection with the benefits payable for services rendered by a health care provider or other designated person or entity, means the amount the health care provider or other designated person or entity:

(a) Agrees to accept under a network or other participation agreement with the health insurer, third-party administrator, or other third-party payor, or other person, including the insured, as payment in full for the treatment, goods, or services provided to the insured; or

(b) Agrees, or as obligated by operation of law, to accept as payment in full for the treatment, goods, or services provided to the insured under a provider, participation, or supplier agreement under Medicare, Medicaid, or any other government administered health care program where the insured is covered or reimbursed by this program.

(3) “Payment in full” includes the actual charge or actual fee that was actually paid for the health care provider’s treatment, goods, or services on behalf of the insured by Medicare, Medicaid, any other government administered health care program, any other health insurer, third-party administrator, or other third-party payor and, where applicable, any remaining portion of the actual charge or actual fee that was applied or assessed against the insured by Medicare, Medicaid, any other government administered health care program, any other health insurer, third-party administrator, or other third-party payor for the applicable deductions, co-insurance requirements, or co-pay requirements.

(4) If paragraphs (a) and (b) of subdivision (2) of this subsection apply, the actual charge or actual fee shall be the lesser of the amounts determined under such paragraphs.

2. Notwithstanding any other provision of law, after the effective date of this section, an insurer or issuer of an individual or group specified disease insurance policy shall not pay a claim of benefit under the applicable policy in an amount in excess of the actual charge or actual fee as defined in this section.

**379.130. 1.** When investigating an accident or settling an automobile insurance policy claim, no insurer, agent, producer, or claims adjuster of an insurer shall assign a percentage of fault to a party based upon the sole fact that the party was operating a motorcycle in an otherwise legal manner.

2. A violation of this section shall be an unfair trade practice as defined by sections 375.930 to 375.948, RSMo, and shall be subject to all of the provisions and penalties provided by such sections.

3. As used in this section, the term “insurer” shall mean any insurance company, association or exchange authorized to issue policies of automobile insurance in the state of Missouri. The term “automobile insurance policy” shall mean a policy providing automobile liability coverage, uninsured motorists coverage, automobile medical payments coverage or automobile physical damage coverage insuring a private passenger automobile owned by an individual or partnership.

**452.305. 1.** The court shall enter a judgment of dissolution of marriage if:

(1) The court finds that one of the parties has been a resident of this state, or is a member of the armed services who has been stationed in this state, for ninety days immediately preceding the commencement of

the proceeding and that thirty days have elapsed since the filing of the petition; and

(2) The court finds that there remains no reasonable likelihood that the marriage can be preserved and that therefore the marriage is irretrievably broken; and

(3) To the extent it has jurisdiction, the court has considered and made provision for child custody, the support of each child, the maintenance of either spouse and the disposition of property.

2. The court shall enter a judgment of legal separation if:

(1) The court finds that one of the parties has been a resident of this state, or is a member of the armed services who has been stationed in this state, for ninety days immediately preceding the commencement of the proceeding and that thirty days have elapsed since the filing of the petition; and

(2) The court finds that there remains a reasonable likelihood that the marriage can be preserved and that therefore the marriage is not irretrievably broken; and

(3) To the extent it has jurisdiction, the court has considered and made provision for the custody and the support of each child, the maintenance of either spouse and the disposition of property.

3. Any judgment of dissolution of marriage or legal separation shall include the **last four digits of the Social Security numbers of the parties. The full Social Security number of each party and each child shall be retained in the manner required under section 509.520, RSMo.**

452.310. 1. In any proceeding commenced pursuant to this chapter, the petition, a motion to modify, a motion for a family access order and a motion for contempt shall be verified. The petition in a proceeding for dissolution of marriage shall allege that the marriage is irretrievably broken and that therefore there remains no reasonable likelihood that the marriage can be preserved. The petition in a proceeding for legal separation shall allege that the marriage is not irretrievably broken and that therefore there remains a reasonable likelihood that the marriage can be preserved.

2. The petition in a proceeding for dissolution of marriage or legal separation shall set forth:

(1) The residence of each party, including the county, and the length of residence of each party in this state and in the county of residence;

(2) The date of the marriage and the place at which it is registered;

(3) The date on which the parties separated;

(4) The name, [date of birth] **age**, and address of each child, and the parent with whom each child has primarily resided for the sixty days immediately preceding the filing of the petition for dissolution of marriage or legal separation;

(5) Whether the wife is pregnant;

(6) The **last four digits of the** Social Security number of the petitioner, respondent and each child;

(7) Any arrangements as to the custody and support of the children and the maintenance of each party; and

(8) The relief sought.

3. Upon the filing of the petition in a proceeding for dissolution of marriage or legal separation, each child shall immediately be subject to the jurisdiction of the court in which the proceeding is commenced,



unless a proceeding involving allegations of abuse or neglect of the child is pending in juvenile court. Until permitted by order of the court, neither parent shall remove any child from the jurisdiction of the court or from any parent with whom the child has primarily resided for the sixty days immediately preceding the filing of a petition for dissolution of marriage or legal separation.

4. The mere fact that one parent has actual possession of the child at the time of filing shall not create a preference in favor of such parent in any judicial determination regarding custody of the child.

5. The respondent shall be served in the manner provided by the rules of the supreme court and applicable court rules and, to avoid an interlocutory judgment of default, shall file a verified answer within thirty days of the date of service which shall not only admit or deny the allegations of the petition, but shall also set forth:

- (1) The **last four digits of the** Social Security number of the petitioner, respondent and each child;
- (2) Any arrangements as to the custody and support of the child and the maintenance of each party; and
- (3) The relief sought.

6. Previously existing defenses to divorce and legal separation, including but not limited to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

**7. The full Social Security number of each party and each child and the date of birth of each child shall be provided in the manner required under section 509.520, RSMo.**

8. The petitioner and respondent shall submit a proposed parenting plan, either individually or jointly, within thirty days after service of process or the filing of the entry of appearance, whichever event first occurs of a motion to modify or a petition involving custody or visitation issues. The proposed parenting plan shall set forth the arrangements that the party believes to be in the best interest of the minor children and shall include but not be limited to:

(1) A specific written schedule detailing the custody, visitation and residential time for each child with each party including:

- (a) Major holidays stating which holidays a party has each year;
- (b) School holidays for school-age children;
- (c) The child's birthday, Mother's Day and Father's Day;

(d) Weekday and weekend schedules and for school-age children how the winter, spring, summer and other vacations from school will be spent;

(e) The times and places for transfer of the child between the parties in connection with the residential schedule;

(f) A plan for sharing transportation duties associated with the residential schedule;

(g) Appropriate times for telephone access;

(h) Suggested procedures for notifying the other party when a party requests a temporary variation from the residential schedule;

(i) Any suggested restrictions or limitations on access to a party and the reasons such restrictions are requested;

(2) A specific written plan regarding legal custody which details how the decision-making rights and responsibilities will be shared between the parties including the following:

- (a) Educational decisions and methods of communicating information from the school to both parties;
  - (b) Medical, dental and health care decisions including how health care providers will be selected and a method of communicating medical conditions of the child and how emergency care will be handled;
  - (c) Extracurricular activities, including a method for determining which activities the child will participate in when those activities involve time during which each party is the custodian;
  - (d) Child care providers, including how such providers will be selected;
  - (e) Communication procedures including access to telephone numbers as appropriate;
  - (f) A dispute resolution procedure for those matters on which the parties disagree or in interpreting the parenting plan;
  - (g) If a party suggests no shared decision-making, a statement of the reasons for such a request;
- (3) How the expenses of the child, including child care, educational and extraordinary expenses as defined in the child support guidelines established by the supreme court, will be paid including:
- (a) The suggested amount of child support to be paid by each party;
  - (b) The party who will maintain or provide health insurance for the child and how the medical, dental, vision, psychological and other health care expenses of the child not paid by insurance will be paid by the parties;
  - (c) The payment of educational expenses, if any;
  - (d) The payment of extraordinary expenses of the child, if any;
  - (e) Child care expenses, if any;
  - (f) Transportation expenses, if any.

[8.] **9.** If the proposed parenting plans of the parties differ and the parties cannot resolve the differences or if any party fails to file a proposed parenting plan, upon motion of either party and an opportunity for the parties to be heard, the court shall enter a temporary order containing a parenting plan setting forth the arrangements specified in subsection [7] **8** of this section which will remain in effect until further order of the court. The temporary order entered by the court shall not create a preference for the court in its adjudication of final custody, child support or visitation.

[9.] **10.** Within one hundred twenty days after August 28, 1998, the Missouri supreme court shall have in effect guidelines for a parenting plan form which may be used by the parties pursuant to this section in any dissolution of marriage, legal separation or modification proceeding involving issues of custody and visitation relating to the child.

[10.] **11.** The filing of a parenting plan for any child over the age of eighteen for whom custody, visitation, or support is being established or modified by a court of competent jurisdiction is not required. Nothing in this section shall be construed as precluding the filing of a parenting plan upon agreement of the parties or if ordered to do so by the court for any child over the age of eighteen for whom custody, visitation, or support is being established or modified by a court of competent jurisdiction.

452.312. 1. Every petition for dissolution of marriage or legal separation, every motion for modification of a decree respecting maintenance or support, and every petition or motion for support of a minor child shall contain the [name and address of the current employer and the] **last four digits of the** Social Security number of the petitioner or movant, if a person, [and, if known to petitioner or movant, the name and address of the current employer] and **the last four digits of the** Social Security number of the respondent. **The name and address of the petitioner's and respondent's current employer shall be provided and retained in the same manner as required under section 509.520, RSMo.**

2. Every responsive pleading to a petition for dissolution of marriage or legal separation, motion for modification of a decree respecting maintenance or support, and petition or motion for support of a minor child shall contain the name and address of the current employer and the **last four digits of the** Social Security number of the respondent, if the respondent is a person.

3. Every decree dissolving a marriage, every order modifying a previous decree of dissolution or divorce, and every order for support of a minor child shall contain the **last four digits of the** Social Security numbers of the parties, if disclosed by the pleadings.

**4. The full Social Security number of each party and each child shall be retained in the manner required by section 509.520, RSMo.**

452.343. Notwithstanding any provision of law to the contrary, every judgment or order issued in this state which, in whole or in part, affects child custody, child support, visitation, modification of custody, support or visitation, or is issued pursuant to section 454.470 or 454.475, RSMo, shall contain the **last four digits of the** Social Security number of the parties to the action which gives rise to such judgment or order. **The full Social Security number of each party and each child shall be retained in the manner required by section 509.520, RSMo.**

452.423. 1. In all proceedings for child custody or for dissolution of marriage or legal separation where custody, visitation, or support of a child is a contested issue, the court may appoint a guardian ad litem. Disqualification of a guardian ad litem shall be ordered in any legal proceeding only pursuant to this chapter, upon the filing of a written application by any party within ten days of appointment, or within ten days of August 28, 1998, if the appointment occurs prior to August 28, 1998. Each party shall be entitled to one disqualification of a guardian ad litem appointed under this subsection in each proceeding, except a party may be entitled to additional disqualifications of a guardian ad litem for good cause shown.

2. The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged.

3. The guardian ad litem shall:

(1) Be the legal representative of the child at the hearing, and may examine, cross-examine, subpoena witnesses and offer testimony;

(2) Prior to the hearing, conduct all necessary interviews with persons having contact with or knowledge of the child in order to ascertain the child's wishes, feelings, attachments and attitudes. If appropriate, the child should be interviewed;

(3) Request the juvenile officer to cause a petition to be filed in the juvenile division of the circuit court if the guardian ad litem believes the child alleged to be abused or neglected is in danger.

4. The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad

litem's duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

5. The guardian ad litem shall be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may:

(1) Issue a direct payment order to the parties. If a party fails to comply with the court's direct payment order, the court may find such party to be in contempt of court; or

(2) Award such fees as a judgment to be paid by any party to the proceedings or from public funds. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513, RSMo.

[6. The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person and shall have access to all records of such agencies or persons relating to the child or such child's family members. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.]

**452.426. If the judge determines that there is potential risk of international abduction of the child by either party, the judge may place any restraints on the parties or grant any remedies to either party that is necessary.**

**452.430. Any pleadings, other than the interlocutory or final judgment, in a dissolution of marriage or legal separation filed prior to August 28, 2009, shall be subject to inspection only by the parties or an attorney of record or upon order of the court for good cause shown, or by the family support division within the department of social services when services are being provided under section 454.400, RSMo. The clerk shall redact the Social Security number from any judgment or pleading before releasing the interlocutory or final judgment to the public.**

**452.700. Sections 452.700 to 452.930 may be cited as the "Uniform Child Custody Jurisdiction and Enforcement Act".**

## ARTICLE I GENERAL PROVISIONS

**452.705. As used in sections 452.700 to 452.930:**

(1) "Abandoned" means left without provision for reasonable and necessary care or supervision;

(2) "Child" means an individual who has not attained eighteen years of age;

(3) "Child custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, or modification order. The term shall not include an order relating to child support or other monetary obligation of an individual;

(4) "Child custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection

from domestic violence in which the issue may appear. The term shall not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under sections 452.850 to 452.915;

(5) “Commencement” means the filing of the first pleading in a proceeding;

(6) “Court” means an entity authorized under the law of a state to establish, enforce, or modify a child custody determination;

(7) “Decree” or “custody decree” means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;

(8) “Home state” means the state in which a child has lived with a parent or a person acting as a parent for at least six consecutive months immediately prior to the commencement of a child custody proceeding. In the case of a child less than six months of age, the term means the state in which the child has lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of such period;

(9) “Initial determination” means the first child custody determination concerning a particular child;

(10) “Issuing court” means the court making a child custody determination for which enforcement is sought under sections 452.700 to 452.930;

(11) “Issuing state” means the state in which a child custody determination is made;

(12) “Litigant” means a person, including a parent, grandparent, or stepparent, who claims a right to custody or visitation with respect to a child;

(13) “Modification” means a child custody determination that changes, replaces, supersedes or is otherwise made after a previous determination concerning the same child, whether or not it is made by the court that made the previous determination;

(14) “Person” includes government, a governmental subdivision, agency or instrumentality, or any other legal or commercial entity;

(15) “Person acting as a parent” means a person, other than a parent, who:

(a) Has physical custody of the child or has had physical custody for a period of six consecutive months, including any temporary absence, within one year immediately prior to the commencement of a child custody proceeding; and

(b) Has been awarded legal custody by a court or claims a right to legal custody under the law of this state;

(16) “Physical custody” means the physical care and supervision of a child;

(17) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

(18) “Warrant” means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

452.710. Sections 452.700 to 452.930 shall not govern:

**(1) An adoption proceeding; or**

**(2) A proceeding pertaining to the authorization of emergency medical care for a child.**

**452.715. 1. A child custody proceeding that pertains to an Indian child, as defined in the Indian Child Welfare Act, 25 U.S.C. Section 1901, et seq., is not subject to sections 452.700 to 452.930 to the extent that it is governed by the Indian Child Welfare Act.**

**2. A court of this state shall treat a tribe as a state of the United States for purposes of sections 452.700 to 452.930.**

**3. A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of sections 452.700 to 452.930 shall be recognized and enforced under the provisions of sections 452.850 to 452.915.**

**452.720. 1. A court of this state shall treat a foreign country as a state of the United States for purposes of applying sections 452.700 to 452.785.**

**2. A child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of sections 452.700 to 452.930 shall be recognized and enforced under sections 452.850 to 452.915.**

**3. The court need not apply the provisions of sections 452.700 to 452.930 when the child custody law of the other country violates fundamental principles of human rights.**

**452.725. 1. A party to a child custody proceeding who is not subject to personal jurisdiction in this state and is a responding party under sections 452.740 to 452.785, a party in a proceeding to modify a child custody determination under sections 452.740 to 452.785, or a petitioner in a proceeding to enforce or register a child custody determination under sections 452.850 to 452.915 may appear and participate in such proceeding without submitting to personal jurisdiction over the party for another proceeding or purpose.**

**2. A party is not subject to personal jurisdiction in this state solely by being physically present for the purpose of participating in a proceeding under sections 452.700 to 452.930. If a party is subject to personal jurisdiction in this state on a basis other than physical presence, the party may be served with process in this state. If a party present in this state is subject to the jurisdiction of another state, service of process permissible under the laws of the other state may be accomplished in this state.**

**3. The immunity granted by this section shall not extend to civil litigation based on acts unrelated to the participation in a proceeding under sections 452.700 to 452.930 committed by an individual while present in this state.**

**452.730. 1. A court of this state may communicate with a court in another state concerning a proceeding arising under sections 452.700 to 452.930.**

**2. The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, the parties shall be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.**

**3. A communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties. A record need not be made of such communication.**

**4. Except as provided in subsection 3 of this section, a record shall be made of the communication.**

The parties shall be informed promptly of the communication and granted access to the record.

5. For the purposes of this section, “record” means information that is inscribed on a tangible medium, or that which is stored in an electronic or other medium and is retrievable in perceivable form. A record includes notes or transcripts of a court reporter who listened to a conference call between the courts, an electronic recording of a telephone call, a memorandum or an electronic record of the communication between the courts, or a memorandum or an electronic record made by a court after the communication.

**452.735. 1.** A court of this state may request the appropriate court of another state to:

- (1) Hold an evidentiary hearing;
- (2) Order a person to produce or give evidence under procedures of that state;
- (3) Order that an evaluation be made with respect to the custody of a child involved in a pending proceeding;
- (4) Forward to the court of this state a certified copy of the transcript of the record of the hearing, the evidence otherwise presented and any evaluation prepared in compliance with the request; and
- (5) Order a party to a child custody proceeding or any person having physical custody of the child to appear in the proceeding with or without the child.

2. Upon request of a court of another state, a court of this state may hold a hearing or enter an order described in subsection 1 of this section.

3. Travel and other necessary and reasonable expenses incurred under subsection 1 or 2 of this section may be assessed against the parties according to the law of this state.

4. A court of this state shall preserve the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a child custody proceeding until the child attains eighteen years of age. Upon appropriate request by a court or law enforcement official of another state, the court shall forward a certified copy of such records.

## ARTICLE II JURISDICTION

**452.740. 1.** Except as otherwise provided in section 452.755, a court of this state has jurisdiction to make an initial child custody determination only if:

(1) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months prior to the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;

(2) A court of another state does not have jurisdiction under subdivision (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 452.770 or 452.775, and:

(a) The child and the child’s parents, or the child and at least one parent or person acting as a parent have a significant connection with this state other than mere physical presence; and

(b) Substantial evidence is available in this state concerning the child’s care, protection, training

and personal relationships;

(3) All courts having jurisdiction under subdivisions (1) and (2) of this subsection have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 452.770 or 452.775; or

(4) No state would have jurisdiction under subdivision (1), (2) or (3) of this subsection.

2. Subsection 1 of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.

3. Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.

**452.745. 1.** Except as otherwise provided in section 452.755, a court of this state that has made a child custody determination consistent with section 452.740 or 452.750 has exclusive continuing jurisdiction over the determination until:

(1) A court of this state determines that neither the child, the child and one parent, nor the child and a person acting as a parent have a significant connection with this state, and that substantial evidence is no longer available in this state concerning the child's care, protection, training and personal relationships; or

(2) A court of this state or a court of another state determines that neither the child, nor a parent, nor any person acting as a parent presently resides in this state.

2. A court of this state that has exclusive continuing jurisdiction under this section may decline to exercise its jurisdiction if the court determines that it is an inconvenient forum under section 452.770.

3. A court of this state that has made a child custody determination and does not have exclusive continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under section 452.740.

**452.747. 1.** Any petition for modification of child custody decrees filed under the provisions of section 452.410 or sections 452.700 to 452.930 shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original proceeding.

2. Before making a decree under section 452.410 or sections 452.700 to 452.930, the litigants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child shall be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service (forty-five days if service by publication) file a verified answer. If any such persons are outside this state, notice and opportunity to be heard shall be given under section 452.740.

**452.750.** Except as otherwise provided in section 452.755, a court of this state shall not modify a child custody determination made by a court of another state unless a court of this state has jurisdiction to make an initial determination under subdivision (1) or (2) of subsection 1 of section 452.740 and:

(1) The court of the other state determines it no longer has exclusive continuing jurisdiction under



section 452.745 or that a court of this state would be a more convenient forum under section 452.770; or

(2) A court of this state or a court of the other state determines that neither the child, nor a parent, nor any person acting as a parent presently resides in the other state.

**452.755. 1.** A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned, or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

**2.** If there is no previous child custody determination that is entitled to be enforced under sections 452.700 to 452.930, and if no child custody proceeding has been commenced in a court of a state having jurisdiction under sections 452.740 to 452.750, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 452.740 to 452.750. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 452.740 to 452.750, a child custody determination made under this section becomes a final determination if:

(1) It so provides; and

(2) This state becomes the home state of the child.

**3.** If there is a previous child custody determination that is entitled to be enforced under sections 452.700 to 452.930, or a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 452.740 to 452.750, any order issued by a court of this state under this section shall specify in the order a period of time which the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 452.740 to 452.750. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.

**4.** A court of this state that has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced, or a child custody determination has been made, by a court of a state having jurisdiction under sections 452.740 to 452.750, shall immediately communicate with the other court. A court of this state that is exercising jurisdiction under sections 452.740 to 452.750, upon being informed that a child custody proceeding has been commenced, or a child custody determination has been made by a court of another state under a statute similar to this section shall immediately communicate with the court of that state. The purpose of such communication is to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

**452.760. 1.** Before a child custody determination is made under sections 452.700 to 452.930, notice and an opportunity to be heard in accordance with the standards of section 452.762 shall be given to:

(1) All persons entitled to notice under the provisions of the law of this state as in child custody proceedings between residents of this state;

(2) Any parent whose parental rights have not been previously terminated; and

(3) Any person having physical custody of the child.

**2.** Sections 452.700 to 452.930 shall not govern the enforceability of a child custody determination made without notice and an opportunity to be heard.

**3. The obligation to join a party and the right to intervene as a party in a child custody proceeding under sections 452.700 to 452.930 are governed by the law of this state as in child custody proceedings between residents of this state.**

**452.762. 1. Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for the service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice, but may be by publication if other means are not effective.**

**2. Proof of service may be made in the manner prescribed by law of this state or by the law of the state in which the service is made.**

**3. Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.**

**452.765. 1. Except as otherwise provided in section 452.755, a court of this state shall not exercise its jurisdiction under sections 452.740 to 452.785 if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child had been previously commenced in a court of another state having jurisdiction substantially in conformity with sections 452.700 to 452.930, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this state is a more convenient forum under section 452.770.**

**2. Except as otherwise provided in section 452.755, a court of this state, prior to hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties under section 452.780. If the court determines that a child custody proceeding was previously commenced in a court in another state having jurisdiction substantially in accordance with sections 452.700 to 452.930, the court of this state shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with sections 452.700 to 452.930 does not determine that the court of this state is a more appropriate forum, the court of this state shall dismiss the proceeding.**

**3. In a proceeding to modify a child custody determination, a court of this state shall determine if a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child custody determination has been commenced in another state, the court may:**

**(1) Stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying or dismissing the proceeding for enforcement;**

**(2) Enjoin the parties from continuing with the proceeding for enforcement; or**

**(3) Proceed with the modification under conditions it considers appropriate.**

**452.770. 1. A court of this state that has jurisdiction under sections 452.700 to 452.930 to make a child custody determination may decline to exercise its jurisdiction at any time if the court determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon the court's own motion, at the request of another court or upon motion of a party.**

**2. Before determining whether the court is an inconvenient forum, a court of this state shall consider whether it is appropriate that a court of another state exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors,**

including:

- (1) Whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;
- (2) The length of time the child has resided outside this state;
- (3) The distance between the court in this state and the court in the state that would assume jurisdiction;
- (4) The relative financial circumstances of the parties;
- (5) Any agreement of the parties as to which state should assume jurisdiction;
- (6) The nature and location of the evidence required to resolve the pending litigation, including the testimony of the child;
- (7) The ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and
- (8) The familiarity of the court of each state with the facts and issues of the pending litigation.

3. If a court of this state determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, the court shall stay the proceedings on the condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.

4. A court of this state may decline to exercise its jurisdiction under sections 452.700 to 452.930 if a child custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

452.775. 1. Except as otherwise provided in section 452.755, if a court of this state has jurisdiction under sections 452.700 to 452.930 because a person invoking the jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:

- (1) The parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;
- (2) A court of the state otherwise having jurisdiction under sections 452.740 to 452.750 determines that this state is a more appropriate forum under section 452.770; or
- (3) No other state would have jurisdiction under sections 452.740 to 452.750.

2. If a court of this state declines to exercise its jurisdiction under subsection 1 of this section, the court may fashion an appropriate remedy to ensure the safety of the child and prevent a repetition of the wrongful conduct, including staying the proceeding until a child custody proceeding is commenced in a court having jurisdiction under sections 452.740 to 452.750.

3. If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction under subsection 1 of this section, the court shall charge the party invoking the jurisdiction of the court with necessary and reasonable expenses including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses and child care during the course of the proceedings, unless the party from whom fees are sought establishes that the award would be clearly inappropriate. The court may not assess fees, costs or expenses against this state except as otherwise provided by law other than sections 452.700 to 452.930.

**452.780. 1.** Subject to local law providing for the confidentiality of procedures, addresses, and other identifying information, in a child custody proceeding, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address, the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during such period. The pleading or affidavit shall state whether the party:

(1) Has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, case number of the proceeding and date of the child custody determination, if any;

(2) Knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court and case number and nature of the proceeding; and

(3) Knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of such persons.

2. If the information required by subsection 1 of this section is not furnished, the court, upon its own motion or that of a party, may stay the proceeding until the information is furnished.

3. If the declaration as to any of the items described in subdivisions (1) to (3) of subsection 1 of this section is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

4. Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

5. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be put at risk by the disclosure of identifying information, that information shall be sealed and not disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety, or liberty of the party or child and determines that the disclosure is in the interest of justice.

**452.782.** If the court learns from information furnished by the parties under section 452.800 or from other sources that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it may order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of his or her joinder as a party. If the person joined as a party is outside this state, such person shall be served with process or otherwise notified in accordance with section 452.762.

**452.785. 1.** The court may order any party to the proceeding who is in this state to appear before the court personally. If the court finds the physical presence of the child to be in the best interest of the child, the court may order that the party who has physical custody of the child to appear physically with the child.

2. If a party to a child custody proceeding whose presence is desired by the court is outside this state, with or without the child, the court may order that a notice given under section 452.762 include

a statement directing the party to appear personally with or without the child.

3. If a party to the proceeding who is outside this state is directed to appear under subsection 1 of this section or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child, if this is just and proper under the circumstances.

4. If the court finds it to be in the best interest of the child that a guardian ad litem be appointed, the court may appoint a guardian ad litem for the child. The guardian ad litem so appointed shall be an attorney licensed to practice law in the state of Missouri. Disqualification of a guardian ad litem shall be ordered in any legal proceeding under this chapter upon the filing of a written application by any party within ten days of appointment. Each party shall be entitled to one disqualification of a guardian ad litem appointed under this subsection in each proceeding, except a party may be entitled to additional disqualifications of a guardian ad litem for good cause shown. The guardian ad litem may, for the purpose of determining custody of the child only, participate in the proceeding as if such guardian ad litem were a party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

5. The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged.

6. The court may enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this section.

452.790. A child custody determination made by a court of this state that had jurisdiction under sections 452.700 to 452.930 binds all persons who have been served in accordance with the laws of this state or notified in accordance with section 452.762 or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. The determination is conclusive as to them as to all decided issues of law and fact except to the extent the determination is modified.

452.795. A court of this state shall accord full faith and credit to an order made consistently with sections 452.700 to 452.930 which enforces a child custody determination by a court of another state unless the order has been vacated, stayed, or modified by a court authorized to do so under sections 452.740 to 452.845.

452.800. Except as otherwise provided in section 452.755, a court of this state may not modify a child custody determination made by a court of another state unless a court of this state has jurisdiction to make an initial determination under subdivision (1) or (2) of subsection 1 of section 452.740 and:

(1) The court of the other state determines that it no longer has exclusive, continuing jurisdiction under section 452.745 or that a court of this state would be a more convenient forum under section 452.770; or

(2) A court of this state or a court of the other state determines that neither child, nor a parent, nor any person acting as a parent presently resides in the other state.

452.805. 1. A certified copy of a custody decree of another state may be filed in the office of the clerk of any circuit court of this state. The clerk shall treat the decree in the same manner as a custody decree of the circuit court of this state. A custody decree so filed has the same effect and shall be

enforced in like manner as a custody decree rendered by a court of this state.

2. A person violating a custody decree of another state which makes it necessary to enforce the decree in this state may be required to pay necessary travel and other expenses, including attorneys' fees, incurred by the party entitled to the custody or the party's witnesses.

3. A court of this state shall recognize and enforce a child custody determination of a court of another state if the latter court exercised jurisdiction that was in substantial conformity with sections 452.700 to 452.930 or the determination was made under factual circumstances meeting the jurisdictional standards of sections 452.700 to 452.930 and the determination has not been modified in accordance with sections 452.700 to 452.930.

4. A court may utilize any remedy available under other law of this state to enforce a child custody determination made by a court of another state. The procedure provided by sections 452.740 to 452.845 does not affect the availability of other remedies to enforce a child custody determination.

452.810. 1. A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to the appropriate court in this state:

(1) A letter or other document requesting registration;

(2) Two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(3) Except as otherwise provided in section 452.780, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

2. On receipt of the documents required in subsection 1 of this section, the registering court shall:

(1) Cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(2) Serve notice upon the persons named under subdivision (3) of subsection 1 of this section and provide them with an opportunity to contest the registration in accordance with this section.

3. The notice required by subdivision (2) of subsection 2 of this section must state:

(1) That a registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state;

(2) That a hearing to contest the validity of the registered determination must be requested within twenty days after service of notice; and

(3) That failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

4. A person seeking to contest the validity of a registered order must request a hearing within twenty days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

**(1) The issuing court did not have jurisdiction under sections 452.740 to 452.845;**

**(2) The child custody determination sought to be registered has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 452.740 to 452.845; or**

**(3) The person contesting registration was entitled to notice, but notice was not given in accordance with the standards of section 452.740 in the proceedings before the court that issued the order for which registration is sought.**

**5. If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation.**

**6. Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter which could have been asserted at the time of registration.**

**452.815. The clerk of the circuit court of this state, at the request of the court of another state or at the request of any person who is affected by or has a legitimate interest in a custody decree, may, upon payment therefor, certify and forward a copy of the decree to that court or person.**

**452.820. 1. In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in this state for testimony taken in another state. The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony is taken.**

**2. A court of this state may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that state. A court of this state shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.**

**3. Documentary evidence transmitted from another state to a court of this state by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.**

**452.825. 1. A court of this state may request the appropriate court of another state to hold a hearing to obtain evidence, to order persons within that state to produce or give evidence under other procedures of that state, or to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this state; and to forward to the court of this state certified copies of the transcript of the record of the hearing, the evidence otherwise obtained, or any social studies prepared in compliance with the request. The cost of the services may be assessed against the parties.**

**2. A court of this state may request the appropriate court of another state to order a party to custody proceedings pending in the court of this state to appear in the proceedings and, if that party has physical custody of the child, to appear with the child. The request may state that travel and other necessary expenses of the party and of the child whose appearance is desired will be assessed against the appropriate party.**

**452.830. 1.** Upon request of the court of another state, the courts of this state which are competent to hear custody matters may order a person in this state to appear at a hearing to obtain evidence or to produce or give evidence under other procedures available in this state for use in a custody proceeding in another state. A certified copy of the transcript of the record of the hearing or the evidence otherwise obtained may, in the discretion of the court and upon payment therefor, be forwarded to the requesting court.

**2.** A person within this state may voluntarily give his testimony or statement in this state for use in a custody proceeding outside this state.

**3.** Upon request of the court of another state, a competent court of this state may order a person in this state to appear alone or with the child in a custody proceeding in another state. The court may condition compliance with the request upon assurance by the other state that travel and other necessary expenses will be advanced or reimbursed.

**452.835.** A court of this state shall preserve the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a child custody proceeding until the child reaches eighteen years of age. Upon appropriate request by the court or law enforcement official of another state, the court shall forward certified copies of these records.

**452.840.** If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in a court of this state, the court of this state, upon taking jurisdiction of the case, shall request of the court of the other state a certified copy of the transcript of any court record and other documents mentioned in section 452.835.

**452.845.** If a question of existence or exercise of jurisdiction under sections 452.700 to 452.930 is raised in a child custody proceeding, the question, upon request of a party, must be given priority on the calendar and handled expeditiously.

### **ARTICLE III ENFORCEMENT**

**452.850.** As used in sections 452.850 to 452.915:

**(1)** “Petitioner” means a person who seeks enforcement of a child custody determination or enforcement of an order for the return of the child under the Hague Convention on the Civil Aspects of International Child Abduction;

**(2)** “Respondent” means a person against whom a proceeding has been commenced for enforcement of a child custody determination or enforcement of an order for the return of the child under the Hague Convention on the Civil Aspects of International Child Abduction.

**452.855. 1.** Sections 452.850 to 452.915 may be invoked to enforce:

**(1)** A child custody determination; and

**(2)** An order for the return of the child made under the Hague Convention on the Civil Aspects of International Child Abduction.

**2.** A court of this state which does not have jurisdiction to modify a child custody determination may issue a temporary order enforcing:

**(1)** A visitation schedule made by a court of another state; or



(2) The visitation provisions of a child custody determination of another state that does not provide for a specific visitation schedule.

3. If a court of this state makes an order under subdivision (2) of subsection 2 of this section, the court shall specify in the order a period of time which it considers adequate to allow the person seeking the order to obtain an order from the state having jurisdiction under sections 452.740 to 452.845. The order remains in effect until an order is obtained from the other state or the period expires.

**452.860. 1.** A court of this state may grant any relief normally available under the provisions of the laws of this state to enforce a registered child custody determination made by a court of another state.

2. A court of this state shall recognize and enforce, but shall not modify, except in accordance with sections 452.740 to 452.845, a registered child custody determination of another state.

**452.865.** If a proceeding for enforcement under sections 452.850 to 452.915 has been or is commenced in this state and a court of this state determines that a proceeding to modify the determination has been commenced in another state having jurisdiction to modify the determination under sections 452.740 to 452.845, the enforcing court shall immediately communicate with the modifying court. The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

**452.870. 1.** A petition under sections 452.850 to 452.915 shall be verified. Certified copies of all orders sought to be enforced and of the order confirming registration, if any, shall be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.

2. A petition for enforcement of a child custody determination shall state:

(1) Whether the court that issued the determination identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, what the basis was;

(2) Whether the determination for which enforcement is sought has been vacated, stayed or modified by a court whose decision shall be enforced under sections 452.700 to 452.930 or federal law and, if so, identify the court, case number of the proceeding and action taken;

(3) Whether any proceeding has been commenced that could affect the current proceeding, including proceedings relating to domestic violence, protective orders, termination of parental rights and adoptions, and, if so, identify the court, and the case number and nature of the proceeding;

(4) The present physical address of the child and respondent, if known; and

(5) Whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officials and, if so, the relief sought.

3. If the child custody determination has been registered and confirmed under section 452.810, the petition shall also state the date and place of registration.

4. The court shall issue an order directing the respondent to appear with or without the child at a hearing and may enter any orders necessary to ensure the safety of the parties and the child.

5. The hearing shall be held on the next judicial day following service of process unless such date is impossible. In such event, the court shall hold the hearing on the first day possible. The court may

extend the date of hearing at the request of the petitioner.

6. The order shall state the time and place of the hearing, and shall advise the respondent that at the hearing the court will order the delivery of the child and payment of fees, costs and expenses under section 452.890, and may set an additional hearing to determine if further relief is appropriate, unless the respondent appears and establishes that:

(1) The child custody determination is not registered and confirmed under section 452.810, and:

(a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;

(b) The child custody determination for which enforcement is sought has been vacated, stayed or modified by a court of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law; or

(c) The respondent was entitled to notice, but notice was not given in accordance with the standards of section 452.762 in the proceedings before the court that issued the order for which enforcement is sought; or

(2) The child custody determination for which enforcement is sought was registered and confirmed under section 452.810, but has been vacated, stayed or modified by a court of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.

452.875. Except as otherwise provided in section 452.885, the petition and order shall be served by any method authorized by the laws of this state upon the respondent and any person who has physical custody of the child.

452.880. 1. Unless the court enters a temporary emergency order under section 452.755, upon a finding that a petitioner is entitled to the physical custody of the child immediately, the court shall order the child delivered to the petitioner unless the respondent establishes that:

(1) The child custody determination has not been registered and confirmed under section 452.810, and that:

(a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;

(b) The child custody determination for which enforcement is sought has been vacated, stayed or modified by a court of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law; or

(c) The respondent was entitled to notice, but notice was not given in accordance with the standards of section 452.762 in the proceedings before the court that issued the order for which enforcement is sought; or

(2) The child custody determination for which enforcement is sought was registered and confirmed under section 452.810, but has been vacated, stayed or modified by a court of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.

2. The court shall award the fees, costs and expenses authorized under section 452.890 and may grant additional relief, including a request for the assistance of law enforcement officials, and set a further hearing to determine if additional relief is appropriate.

3. If a party called to testify refuses to answer on the grounds that the testimony may be self-incriminating, the court may draw an adverse inference from such refusal.

**4. A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife, or parent and child shall not be invoked in a proceeding under sections 452.850 to 452.915.**

**452.885. 1. Upon the filing of a petition seeking enforcement of a child custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is likely to suffer serious imminent physical harm or removal from this state.**

**2. If the court, upon the testimony of the petitioner or other witnesses, finds that the child is likely to suffer serious imminent physical harm or be imminently removed from this state, the court may issue a warrant to take physical custody of the child. The petition shall be heard on the next judicial day after the warrant is executed. The warrant shall include the statements required under subsection 2 of section 452.870.**

**3. A warrant to take physical custody of a child shall:**

**(1) Recite the facts which a conclusion of serious imminent physical harm or removal from the jurisdiction is based;**

**(2) Direct law enforcement officers to take physical custody of the child immediately; and**

**(3) Provide for the placement of the child pending final relief.**

**4. The respondent shall be served with the petition, warrant and order immediately after the child is taken into physical custody.**

**5. A warrant to take physical custody of a child is enforceable throughout this state. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, the court may authorize law enforcement officers to enter private property to take physical custody of the child. If required by the exigency of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.**

**6. The court may impose conditions on the placement of a child to ensure the appearance of the child and the child's custodian.**

**452.890. 1. The court shall award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses and child care during the course of the proceedings, unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.**

**2. The court shall not assess fees, costs or expenses against a state except as otherwise provided by law other than sections 452.700 to 452.930.**

**452.895. A court of this state shall accord full faith and credit to an order made consistently with sections 452.700 to 452.930 which enforces a child custody determination by a court of another state unless the order has been vacated, stayed or modified by a court authorized to do so under sections 452.740 to 452.845.**

**452.900. An appeal may be taken from a final order in a proceeding under sections 452.850 to 452.915 in accordance with appellate procedures in other civil cases. Unless the court enters a temporary emergency order under section 452.755, the enforcing court shall not stay an order**

**enforcing a child custody determination pending appeal.**

**452.905. 1. In a case arising under sections 452.700 to 452.930 or involving the Hague Convention on the Civil Aspects of International Child Abduction, the appropriate public official may take any lawful action, including resort to a proceeding under sections 452.850 to 452.915 or any other available civil proceeding to locate a child, obtain the return of a child or enforce a child custody determination if there is:**

**(1) An existing child custody determination;**

**(2) A request from a court in a pending child custody case;**

**(3) A reasonable belief that a criminal statute has been violated; or**

**(4) A reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.**

**2. A prosecutor or an appropriate public official shall act on behalf of the court and shall not represent any party to a child custody determination.**

**452.910. At the request of a prosecutor or other appropriate public official acting under section 452.905, a law enforcement officer may take any lawful action reasonably necessary to locate a child or a party and assist such prosecutor or public official with responsibilities under section 452.905.**

**452.915. If the respondent is not the prevailing party, the court may assess against the respondent all direct expenses and costs incurred by the prosecutor or other appropriate public official and law enforcement officers under sections 452.905 and 452.910.**

#### **ARTICLE IV**

#### **MISCELLANEOUS PROVISIONS**

**452.920. In applying and construing sections 452.700 to 452.930, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.**

**452.925. If any provision of sections 452.700 to 452.930 or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of sections 452.700 to 452.930 which can be given effect without the invalid provision or application, and to this end the provisions of sections 452.700 to 452.930 are severable.**

**452.930. A motion or other request for relief made in a child custody or enforcement proceeding which was commenced before August 28, 2009, is governed by the law in effect at the time the motion or other request was made.**

**454.500. 1. At any time after the entry of an order pursuant to sections 454.470 and 454.475, the obligated parent, the division, or the person or agency having custody of the dependent child may file a motion for modification with the director. Such motion shall be in writing, shall set forth the reasons for modification, and shall state the address of the moving party. The motion shall be served by the moving party in the manner provided for in subsection 5 of section 454.465 upon the obligated parent or the party holding the support rights, as appropriate. In addition, if the support rights are held by the division of family services on behalf of the state, a true copy of the motion shall be mailed by the moving party by certified mail to the person having custody of the dependent child at the last known address of that person. A hearing**

on the motion shall then be provided in the same manner, and determinations shall be based on considerations set out in section 454.475, unless the party served fails to respond within thirty days, in which case the director may enter an order by default. If the child for whom the order applies is no longer in the custody of a person receiving public assistance or receiving support enforcement services from the department, or a division thereof, pursuant to section 454.425, the director may certify the matter for hearing to the circuit court in which the order was filed pursuant to section 454.490 in lieu of holding a hearing pursuant to section 454.475. If the director certifies the matter for hearing to the circuit court, service of the motion to modify shall be had in accordance with the provisions of subsection 5 of section 452.370, RSMo. If the director does not certify the matter for hearing to the circuit court, service of the motion to modify shall be considered complete upon personal service, or on the date of mailing, if sent by certified mail. For the purpose of 42 U.S.C. 666(a)(9)(C), the director shall be considered the “appropriate agent” to receive the notice of the motion to modify for the obligee or the obligor, but only in those instances in which the matter is not certified to circuit court for hearing, and only when service of the motion is attempted on the obligee or obligor by certified mail.

2. A motion for modification made pursuant to this section shall not stay the director from enforcing and collecting upon the existing order pending the modification proceeding unless so ordered by the court.

3. Only payments accruing subsequent to the service of the motion for modification upon all named parties to the motion may be modified. Modification may be granted only upon a showing of a change of circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support award, the director, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the guidelines and criteria set forth in supreme court rule 88.01 to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, then a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable.

4. The circuit court may, upon such terms as may be just, relieve a parent from an administrative order entered against that parent because of mistake, inadvertence, surprise, or excusable neglect.

5. No order entered pursuant to section 454.476 shall be modifiable pursuant to this section, except that an order entered pursuant to section 454.476 shall be amended by the director to conform with any modification made by the court that entered the court order upon which the director based his or her order.

6. When the party seeking modifications has met the burden of proof set forth in subsection 3 of this section, then the child support shall be determined in conformity with the criteria set forth in supreme court rule 88.01.

7. The **last four digits of the Social Security number of the parents shall be recorded on any order entered pursuant to this section. The full Social Security number of each party and each child shall be retained in the manner required by section 509.520, RSMo.**

455.010. As used in sections 455.010 to 455.085, unless the context clearly indicates otherwise, the following terms shall mean:

(1) “Abuse” includes but is not limited to the occurrence of any of the following acts, attempts or threats

against a person who may be protected pursuant to sections 455.010 to 455.085:

- (a) “Assault”, purposely or knowingly placing or attempting to place another in fear of physical harm;
- (b) “Battery”, purposely or knowingly causing physical harm to another with or without a deadly weapon;
- (c) “Coercion”, compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;
- (d) “Harassment”, engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to another adult and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner. Such conduct might include, but is not limited to:
  - a. Following another about in a public place or places;
  - b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;
  - (e) “Sexual assault”, causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;
  - (f) “Unlawful imprisonment”, holding, confining, detaining or abducting another person against that person’s will;
- (2) “Adult”, any person [eighteen] **seventeen** years of age or older or otherwise emancipated;
- (3) “Court”, the circuit or associate circuit judge or a family court commissioner;
- (4) “Ex parte order of protection”, an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;
- (5) “Family” or “household member”, spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past, an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and adults who have a child in common regardless of whether they have been married or have resided together at any time;
- (6) “Full order of protection”, an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;
- (7) “Order of protection”, either an ex parte order of protection or a full order of protection;
- (8) “Petitioner”, a family or household member or an adult who has been the victim of stalking, who has filed a verified petition pursuant to the provisions of section 455.020;
- (9) “Respondent”, the family or household member or adult alleged to have committed an act of stalking, against whom a verified petition has been filed;
- (10) “Stalking” is when an adult purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person’s situation to have been alarmed by the conduct. As used in this subdivision:
  - (a) “Course of conduct” means a pattern of conduct composed of repeated acts over a period of time,

however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact;

(b) “Repeated” means two or more incidents evidencing a continuity of purpose; and

(c) “Alarm” means to cause fear of danger of physical harm.

473.743. It shall be the duty of the public administrator to take into his or her charge and custody the estates of all deceased persons, and the person and estates of all minors, and the estates or person and estate of all incapacitated persons in his or her county, in the following cases:

(1) When a stranger dies intestate in the county without relations, or dies leaving a will, and the personal representative named is absent, or fails to qualify;

(2) When persons die intestate without any known heirs;

(3) When persons unknown die or are found dead in the county;

(4) When money, property, papers or other estate are left in a situation exposed to loss or damage, and no other person administers on the same;

(5) When any estate of any person who dies intestate therein, or elsewhere, is left in the county liable to be injured, wasted or lost, when the intestate does not leave a known husband, widow or heirs in this state;

(6) The persons of all minors under the age of fourteen years, whose parents are dead, and who have no legal guardian or conservator;

(7) The estates of all minors whose parents are dead, or, if living, refuse or neglect to qualify as conservator, or, having qualified have been removed, or are, from any cause, incompetent to act as such conservator, and who have no one authorized by law to take care of and manage their estate;

(8) The estates or person and estate of all disabled or incapacitated persons in his or her county who have no legal guardian or conservator, and no one competent to take charge of such estate, or to act as such guardian or conservator, can be found, or is known to the court having jurisdiction, who will qualify;

(9) Where from any other good cause, the court shall order him to take possession of any estate to prevent its being injured, wasted, purloined or lost;

(10) When moneys are delivered to the public administrator from the county coroner;

**(11) The public administrator shall act as trustee when appointed by the circuit court or the probate division of the circuit court.**

**475.375. 1. Any individual over the age of eighteen years who has been adjudged incapacitated under this chapter or who has been involuntarily committed under chapter 632, RSMo, may file a petition for the removal of the disqualification to purchase, possess, or transfer a firearm when:**

**(1) The individual no longer suffers from the condition that resulted in the individual’s incapacity or involuntary commitment;**

**(2) The individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and**

**(3) Granting relief under this section is not contrary to the public interest.**

No individual who has been found guilty by reason of mental disease or defect may petition a court for restoration under this section.

2. The petition shall be filed in the circuit court that entered the letters of guardianship or the most recent order for involuntary commitment, whichever is later. Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the hearing to the petitioner.

3. The burden is on the petitioner to establish by clear and convincing evidence that:

(1) The petitioner no longer suffers from the condition that resulted in the incapacity or the involuntary commitment;

(2) The individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

(3) Granting relief under this section is not contrary to the public interest.

4. Upon the filing of the petition the court shall review the petition and determine if the petition is based upon frivolous grounds and if so may deny the petition without a hearing. In order to determine whether petitioner has met the burden pursuant to this section, the court may request the local prosecuting attorney, circuit attorney, or attorney general to provide a written recommendation as to whether relief should be granted. In any order requiring such review the court may grant access to any and all mental health records, juvenile records, and criminal history of the petitioner wherever maintained. The court may allow presentation of evidence at the hearing if requested by the local prosecuting attorney, circuit attorney, or attorney general.

5. If the petitioner is filing the petition as a result of an involuntary commitment under chapter 632, RSMo, the hearing and records shall be closed to the public, unless the court finds that public interest would be better served by conducting the hearing in public. If the court determines the hearing should be open to the public, upon motion by the petitioner, the court may allow for the in-camera inspection of mental health records. The court may allow the use of the record but shall restrict from public disclosure, unless it finds that the public interest would be better served by making the record public.

6. The court shall enter an order that:

(1) The petitioner does or does not continue to suffer from the condition that resulted in commitment;

(2) The individual does or does not continue to pose a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

(3) Granting relief under this section is not contrary to the public interest. The court shall include in its order the specific findings of fact on which it bases its decision.

7. Upon a judicial determination to grant a petition under this section, the clerk in the county where the petition was granted shall forward the order to the Missouri state highway patrol for updating of the petitioner's record with the national Instant Criminal Background Check System (NICS).

8. (1) Any person who has been denied a petition for the removal of the disqualification to purchase, possess, or transfer a firearm pursuant to this section shall not be eligible to file another



**petition for removal of the disqualification to purchase, possess, or transfer a firearm until the expiration of one year from the date of such denial.**

**(2) If a person has previously filed a petition for the removal of the disqualification to purchase, possess, or transfer a firearm and the court determined that:**

**(a) The petitioner's petition was frivolous; or**

**(b) The petitioner's condition had not so changed such that the person continued to suffer from the condition that resulted in the individual's incapacity or involuntary commitment and continued to pose a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; or**

**(3) Granting relief under this section would be contrary to the public interest, then the court shall deny the subsequent petition unless the petition contains the additional facts upon which the court could find the condition of the petitioner had so changed that a hearing was warranted.**

476.415. 1. There is hereby created a "Commission on Judicial Resources", to be comprised of the following persons:

(1) A circuit court judge elected by the circuit court judges of the state;

(2) A judge of the court of appeals elected by the judges of the court of appeals of the state;

(3) An associate circuit judge elected by the associate circuit judges of the state;

(4) [A municipal court judge appointed by the supreme court;

(5)] A senior judge under the provisions of section 476.001 appointed by the supreme court;

[(6)] (5) An attorney appointed by the board of governors of the Missouri Bar;

[(7)] (6) The chairman of the judiciary committee of the senate;

[(8)] (7) The chairman of the judiciary committee of the house of representatives;

[(9)] (8) A member of the appropriations committee of the senate, appointed by the president pro tem;

[(10)] (9) A member of the budget committee of the house of representatives, appointed by the speaker;

[(11)] (10) The executive director of the public defender commission; and

[(12)] (11) One prosecuting or circuit attorney elected by the prosecuting and circuit attorneys of this state.

2. The legislative members of the commission shall serve during the period they hold the committee assignments qualifying them for the office. The appointed and elective members shall serve for two years and until their successors are appointed and qualified. If a vacancy occurs in any of the appointed or elected members, a successor shall be appointed or elected by the body originally appointing or electing the position for whom the vacancy occurs for the remainder of the unexpired term. The commission shall meet within sixty days after the appointment of the members at the call of the chief justice of the supreme court and shall meet subsequently at the call of the chairman. The commission shall elect its own officers as necessary. The members of the commission shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses paid out of appropriations made for that purpose except that senior judges shall be credited for time actually spent in the performance of duties according to section 476.682.

3. The commission shall have full access to the reports filed pursuant to section 476.412, examine and prepare a digest of such reports, conduct a comprehensive study of the state's judicial system, assess the needs, priorities, workload, case management and general performance of the court system and for the judges thereof. The commission shall make an annual report to the supreme court and the general assembly before the convening of each session of the general assembly in which they shall detail the true state of the judicial system in this state, its success or inability to handle the caseload, and the efficiency of disposition of judicial business and the administration of justice. The report shall detail the utilization of judges transferred between circuits and of senior judges as provided in section 476.681, including an appraisal of the effect that the appointment of senior judges and transfer of judges has on the efficiency of the courts and the reduction of caseloads. The report shall include a detailed breakdown of the needs of specific courts and the commission's recommendations.

4. [The commission may employ consultants and other staff within the limits of any appropriations made for that purpose, or may employ senior judges who may be compensated pursuant to section 476.682, and may call upon the committee on legislative research, the state courts administrator, and the research staffs of the house and the senate for staff necessary to carry out the duties of the commission] **The clerk of the supreme court shall provide suitable staff for the commission out of any funds appropriated for this purpose.** The commission may seek and receive gifts, donations and grants in aid from private or other sources to defray expenses incurred in its assessment of judicial resources.

485.077. 1. No judge of any court in this state shall appoint an official court reporter who is not a court reporter certified by the board of certified court reporter examiners, as provided in Supreme Court Rule 14. In the absence of an official court reporter due to illness, physical incapacity, death, dismissal or resignation, a judge may appoint a temporary court reporter, but such temporary court reporter shall not serve more than six months without obtaining a certificate pursuant to the provisions of Supreme Court Rule 14.

2. No testimony taken in this state by deposition shall be given in any court in this state, and no record on appeal from an administrative agency of this state shall include testimony taken in this state by deposition, unless the deposition is prepared and certified by a certified court reporter, except as provided in Supreme Court Rule 57.03(c).

3. Deposition testimony taken outside the state shall be deemed to be in conformity with this section if the testimony was prepared and certified by a court reporter authorized to prepare and certify deposition testimony in the jurisdiction in which the testimony was taken.

4. This section shall not apply to depositions taken in this state in connection with cases not pending in a Missouri state court or administrative agency at the time the deposition was taken.

[5. A deposition prepared by a person who is not a certified court reporter may be used to give testimony in any court in this state under the following circumstances:

(1) All parties must consent in writing to using an uncertified court reporter prior to the deposition. Such consent shall be filed as a memo with the court no later than seven days prior to the date of the deposition unless the time is shortened by the court;

(2) All parties involved in any cause of action wherein the deposition is to be used certify by their signatures or by the signatures of their attorneys that such deposition is a true and correct copy of the testimony given;

(3) The uncertified court reporter shall state on the record that he or she is an uncertified court reporter

appearing by consent of the parties;

(4) The uncertified court reporter shall keep a voice recording of the deposition for two years. Upon written request by a party, a copy of the voice recording shall be provided to the requesting party within fourteen days;

(5) The uncertified court reporter shall have made application for the certified court reporter examination and shall have paid all required application fees;

(6) The notice of deposition shall contain a statement that an uncertified court reporter will be used. Such statement shall be in bold fourteen typeface on the notice; and

(7) An uncertified court reporter granted privileges under this subsection shall be deemed operating under a temporary certificate.

6. The provisions of subsection 5 of this section shall expire on December 31, 2012.]

**509.520. 1. Notwithstanding any provision of law to the contrary, beginning August 28, 2009, pleadings, attachments, or exhibits filed with the court in any case, as well as any judgments issued by the court, shall not include:**

**(1) The full Social Security number of any party or any child who is the subject to an order of custody or support;**

**(2) The full credit card number or other financial account number of any party.**

**2. Contemporaneously with the filing of every petition for dissolution of marriage, legal separation, motion for modification, action to establish paternity, and petition or motion for support or custody of a minor child, the filing party shall file a confidential case filing sheet with the court which shall not be subject to public inspection and which provides:**

**(1) The name and address of the current employer and the Social Security number of the petitioner or movant, if a person;**

**(2) If known to the petitioner or movant, the name and address of the current employer and the Social Security number of the respondent; and**

**(3) The names, dates of birth, and Social Security numbers of any children subject to the action.**

**3. Contemporaneously with the filing of every responsive pleading petition for dissolution of marriage, legal separation, motion for modification, action to establish paternity, and petition or motion for support or custody of a minor child, the responding party shall file a confidential case filing sheet with the court which shall not be subject to public inspection and which provides:**

**(1) The name and address of the current employer and the Social Security number of the responding party, if a person;**

**(2) If known to the responding party, the name and address of the current employer and the Social Security number of the petitioner or movant; and**

**(3) The names, dates of birth, and Social Security numbers of any children subject to the action.**

**4. The full Social Security number of any party or child subject to an order of custody or support shall be retained by the court on the confidential case filing sheet or other confidential record maintained in conjunction with the administration of the case. The full credit card number or other**

**financial account number of any party may be retained by the court on a confidential record if it is necessary to maintain the number in conjunction with the administration of the case.**

**5. Any document described in subsection 1 of this section shall, in lieu of the full number, include only the last four digits of any such number.**

**6. Except as provided in section 452.430, RSMo, the clerk shall not be required to redact any document described in subsection 1 of this section issued or filed before August 28, 2009, prior to releasing the document to the public.**

**7. For good cause shown, the court may release information contained on the confidential case filing sheet; except that, any state agency acting under authority of chapter 454, RSMo, shall have access to information contained herein without court order in carrying out their official duty.**

517.041. 1. The process in all cases shall be a summons with a copy of the petition of the plaintiff attached, directed to the sheriff or other proper person for service on the defendant. The summons shall command the defendant to appear before the court on a date and time, not less than ten days nor more than [thirty] **sixty** days from the date of service of the summons.

2. If process is not timely served, the plaintiff may request further process be issued to any defendant not timely served with the case being continued, or the plaintiff may dismiss as to any such defendant and proceed with the case.

[3. A petition filed which states a claim or claims that in the aggregate exceeds the jurisdictional limit of the division shall be certified to presiding judge for assignment.]

516.200. If at any time when any cause of action herein specified accrues against any person who is a resident of this state, and he is absent therefrom, such action may be commenced within the times herein respectively limited, after the return of such person into the state[; and if, after such cause of action shall have accrued, such person depart from and reside out of this state, the time of his absence shall not be deemed or taken as any part of the time limited for the commencement of such action].

535.030. 1. Such summons shall be served as in other civil cases at least four days before the court date in the summons. The summons shall include a court date which shall not be more than twenty-one business days from the date the summons is issued unless at the time of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

2. In addition to attempted personal service, the plaintiff may request, and thereupon the clerk of the court shall make an order directing that the officer, or other person empowered to execute the summons, shall also serve the same by securely affixing a copy of such summons and the complaint in a conspicuous place on the dwelling of the premises in question at least ten days before the court date in such summons, and by also mailing a copy of the summons and complaint to the defendant at the defendant's last known address by ordinary mail at least ten days before the court date. If the officer, or other person empowered to execute the summons, shall return that the defendant is not found, or that the defendant has absconded or vacated his or her usual place of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure set forth in this section.

3. If the plaintiff does not request service of the original summons by posting and mailing as provided in subsection 2 of this section, and if the officer, or other person empowered to execute the summons, makes return that the defendant is not found, or that the defendant has absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an alias summons and service of the same by posting and mailing in the time and manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a copy of the summons in the time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons and the complaint, the judge shall proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure provided in subsection 2 of this section.

4. On the date judgment is rendered as provided in this section where the defendant is in default, the clerk of the court shall mail to the defendant at the defendant's last known address by [certified mail, with a request for return receipt and with directions to deliver to the addressee only,] **ordinary mail** a notice informing the defendant of the judgment and the date it was entered, and stating that the defendant has ten days from the date of the judgment to file a motion to set aside the judgment or to file an application for a trial de novo in the circuit court, as the case may be, and that unless the judgment is set aside or an application for a trial de novo is filed within ten days, the judgment will become final and the defendant will be subject to eviction from the premises without further notice.

535.120. Whenever [a half year's] **one month's** rent or more is in arrear from a tenant, the landlord, if he has a subsisting right by law to reenter for the nonpayment of such rent, may bring an action to recover the possession of the demised premises.

**537.055. In any action to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle, the fact that one of the parties was operating a motorcycle shall not, in and of itself, be considered evidence of comparative negligence.**

**537.296. In any action for private nuisance where the amount in controversy exceeds one million dollars, if any party requests the court or jury to visit the property alleged to be affected by the nuisance, the court or jury shall visit the property.**

545.050. [1.] No indictment for any trespass against the person or property of another, not amounting to a felony, except for petit larceny, and no indictment for the disturbance of the peace of a person, or for libel or slander, shall be preferred unless the name of a prosecutor is affixed thereto, thus: "A B, prosecutor", except where the same is preferred upon the information and testimony of one or more grand jurors, or of some public officer in the necessary discharge of his **or her** duty.

[2. If the defendant be acquitted or the prosecution fails, judgment shall be entered against such prosecutor for the costs.]

561.031. 1. In the following proceedings, the provisions of section 544.250, 544.270, 544.275, RSMo, 546.030, RSMo, or of any other statute, or the provisions of supreme court rules 21.10, 22.07, 24.01, 24.02, 27.01, 29.07, 31.02, 31.03, 36.01, 37.16, 37.47, 37.48, 37.50, 37.57, 37.58, 37.59, and 37.64 to the contrary notwithstanding, when the physical appearance in person in court is required of any person [held in a place of custody or confinement], such personal appearance may be made by means of two-way audio-visual communication, including but not limited to, closed circuit television or computerized video conferencing;

provided that such audio-visual communication facilities provide two-way audio-visual communication between the court and the [place of custody or confinement and that a full record of such proceedings be made by split-screen imaging and recording of the proceedings in the courtroom and the place of confinement or custody in addition to such other record as may be required] **person:**

- (1) First appearance before an associate circuit judge on a criminal complaint;
- (2) Waiver of preliminary hearing **and preliminary hearing with consent of the defendant;**
- (3) Arraignment on an information or indictment where a plea of not guilty is entered;
- (4) Arraignment on an information or indictment where a plea of guilty is entered upon waiver of any right such person might have to be physically present;
- (5) Any pretrial or posttrial criminal proceeding not allowing the cross-examination of witnesses;
- (6) Sentencing after conviction at trial upon waiver of any right such person might have to be physically present;
- (7) Sentencing after entry of a plea of guilty; [and]
- (8) Any civil proceeding other than trial by jury;
- (9) Any civil or criminal proceeding which is not required to be a matter of record; and**
- (10) Any civil or criminal proceeding by the consent of the parties.**

2. This section shall not prohibit other appearances via closed circuit television upon waiver of any right such person held in custody or confinement might have to be physically present.

3. Nothing contained in this section shall be construed as establishing a right for any person held in custody to appear on television or as requiring that any governmental entity or place of custody or confinement provide a two-way audio-visual communication system.

630.407. 1. The department may recognize providers as administrative entities under the following circumstances:

- (1) Vendors operated or funded pursuant to sections 205.975 to 205.990, RSMo;
- (2) Vendors operated or funded pursuant to sections 205.968 to 205.973, RSMo;
- (3) Providers of a consortium of treatment services to the clients of the division of comprehensive psychiatric services as an agent of the division in a service area, except that such providers may not exceed thirty-six in number;
- (4) Providers of targeted case management services to the clients of the division of developmental disabilities as an agent of the division in a defined region that has not established a board as set forth in sections 205.968 to 205.973, RSMo; or**

2. Notwithstanding any other provision of law to the contrary, the department may contract directly with vendors recognized as administrative entities without competitive bids.

3. Notwithstanding any other provision of law to the contrary, the commissioner of administration shall delegate the authority to administrative entities which are state facilities to subcontract with other vendors in order to provide a full consortium of treatment services for the service area.

4. When state contracts allow, the department may authorize administrative entities to use state contracts

for pharmaceuticals or other medical supplies for the purchase of these items.

5. A designation as an administrative entity does not entitle a provider to coverage under sections 105.711 to 105.726, RSMo, the state legal expense fund, or other state statutory protections or requirements.

6. The department shall promulgate regulations within twelve months of August 28, 1990, regulating the manner in which they will contract and designate and revoke designations of providers under this section. Such regulations shall not be required when the parties to such contracts are both governmental entities.

650.055. 1. Every individual, in a Missouri circuit court, who pleads guilty to or is found guilty of a felony or any offense under chapter 566, RSMo, or has been determined [beyond a reasonable doubt] to be a sexually violent predator pursuant to sections 632.480 to 632.513, RSMo, shall have a blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis:

(1) Upon entering or before release from the department of corrections reception and diagnostic centers;  
or

(2) Upon entering or before release from a county jail or detention facility, state correctional facility, or any other detention facility or institution, whether operated by private, local, or state agency, or any mental health facility if committed as a sexually violent predator pursuant to sections 632.480 to 632.513, RSMo; or

(3) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was convicted of, pleaded guilty to, or pleaded nolo contendere to an offense in any other jurisdiction which would be considered a qualifying offense as defined in this section if committed in this state, or if the person was convicted of, pleaded guilty to, or pleaded nolo contendere to any equivalent offense in any other jurisdiction; or

(4) If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo.

2. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody or jurisdiction over those who have been convicted of, pleaded guilty to, or pleaded nolo contendere to felony offenses which shall not be set aside or reversed is hereby made mandatory. The board of probation or parole shall recommend that an individual who refuses to provide a DNA sample have his or her probation or parole revoked. In the event that a person's DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

3. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA

profiling system and the Federal Bureau of Investigation's DNA databank system.

4. Unauthorized uses or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

5. Implementation of sections 650.050 to 650.100 shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA databank system.

6. All DNA records and biological materials retained in the DNA profiling system are considered closed records pursuant to chapter 610, RSMo. All records containing any information held or maintained by any person or by any agency, department, or political subdivision of the state concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed, except to:

(1) Peace officers, as defined in section 590.010, RSMo, and other employees of law enforcement agencies who need to obtain such records to perform their public duties;

(2) The attorney general or any assistant attorneys general acting on his or her behalf, as defined in chapter 27, RSMo;

(3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, RSMo, and their employees who need to obtain such records to perform their public duties; or

(4) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court judges, and their employees who need to obtain such records to perform their public duties.

7. Any person who obtains records pursuant to the provisions of this section shall use such records only for investigative and prosecutorial purposes, including but not limited to use at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes, including identification of human remains. Such records shall be considered strictly confidential and shall only be released as authorized by this section.

8. An individual may request expungement of his or her DNA sample and DNA profile through the court issuing the reversal or dismissal. A certified copy of the court order establishing that such conviction has been reversed or guilty plea or plea of nolo contendere has been set aside shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the requesting individual has no other qualifying offense as a result of any separate plea or conviction prior to expungement.

(1) A person whose DNA record or DNA profile has been included in the state DNA database in accordance with this section, section 488.5050, RSMo, and sections 650.050, 650.052, and 650.100 may request expungement on the grounds that the conviction has been reversed, or the guilty plea or plea of nolo contendere on which the authority for including that person's DNA record or DNA profile was based has been set aside.

(2) Upon receipt of a written request for expungement, a certified copy of the final court order reversing the conviction or setting aside the plea and any other information necessary to ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and identifiable information in the database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person is otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and DNA profile, or the basis for its determination



that the person is otherwise obligated to submit a DNA sample.

(3) The Missouri state highway patrol is not required to destroy any item of physical evidence obtained from a DNA sample if evidence relating to another person would thereby be destroyed.

(4) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from the database shall not be excluded or suppressed from evidence, nor shall any conviction be invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging DNA records.

**Section 1. In all proceedings for the modification of child support where the state is a party, the court may, upon motion, award court costs and reasonable attorney fees to the state.**

**Section 2. All public advertisements and orders of publication required by law to be made, including but not limited to amendments to the Missouri Constitution, legal publications affecting all sales of real estate under a power of sale contained in any mortgage or deed of trust, and other legal publications affecting the title to real estate, shall be published in a newspaper of general circulation, qualified under the provisions of section 493.050, RSMo, and persons responsible for orders of publication described in sections 443.310 and 443.320, RSMo, shall be subject to the prohibitions in sections 493.130 and 493.140, RSMo.**

**Section 3. No political subdivision of the state nor any local government, city or county, or any agency, authority, board, commission, department or officer thereof, shall enact any ordinance or promulgate or issue any regulation, rule, policy, guideline or proclamation describing the relationship between persons and domestic animals as other than persons may or can own domestic animals.**

**Section 4. Nothing in sections 320.350 to 320.374, RSMo, shall be interpreted or applied to permit non-compliance with other applicable statutes and case law.**

[229.110. 1. Every person owning a hedge fence situated along or near the right-of-way of any public road shall between the first days of May and August of each year cut the same down to a height of not more than five feet, and any owner of such fence failing to comply with this section shall forfeit and pay to the capital school fund of the county wherein such fence is situated not less than fifty nor more than five hundred dollars, to be recovered in a civil action in the name of the county upon the relation of the prosecuting attorney, and any judgment of forfeiture obtained shall be a lien upon the real estate of the owner of such fence upon which same is situated, and a special execution shall issue against said real estate and no exemption shall be allowed.

2. Any prosecuting attorney who shall fail or refuse to institute suit as herein provided within thirty days after being notified by any road overseer, county or state highway engineer, that any hedge fence has not been cut down to the height herein required within the time required, shall be removed from office by the governor and some other person appointed to fill the vacancy thus created. The cutting of any such fence after the time herein required shall not be a defense to the action herein provided for.]

[452.440. Sections 452.440 to 452.550 may be cited as the "Uniform Child Custody Jurisdiction Act".]

[452.445. As used in sections 452.440 to 452.550:

(1) "Custody determination" means a court decision and court orders and instructions providing for the custody of a child, including visitation rights. This term does not include a decision relating

to child support or any other monetary obligation of any person; but the court shall have the right in any custody determination where jurisdiction is had pursuant to section 452.460 and where it is in the best interest of the child to adjudicate the issue of child support;

(2) “Custody proceeding” includes proceedings in which a custody determination is one of several issues, such as an action for dissolution of marriage, legal separation, separate maintenance, appointment of a guardian of the person, child neglect or abandonment, but excluding actions for violation of a state law or municipal ordinance;

(3) “Decree” or “custody decree” means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;

(4) “Home state” means the state in which, immediately preceding the filing of custody proceeding, the child lived with his parents, a parent, an institution; or a person acting as parent, for at least six consecutive months; or, in the case of a child less than six months old, the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six-month or other period;

(5) “Initial decree” means the first custody decree concerning a particular child;

(6) “Litigant” means a person, including a parent, grandparent, or step-parent, who claims a right to custody or visitation with respect to a child.]

[452.450. 1. A court of this state which is competent to decide child custody matters has jurisdiction to make a child custody determination by initial or modification decree if:

(1) This state:

(a) Is the home state of the child at the time of commencement of the proceeding; or

(b) Had been the child’s home state within six months before commencement of the proceeding and the child is absent from this state for any reason, and a parent or person acting as parent continues to live in this state; or

(2) It is in the best interest of the child that a court of this state assume jurisdiction because:

(a) The child and his parents, or the child and at least one litigant, have a significant connection with this state; and

(b) There is available in this state substantial evidence concerning the child’s present or future care, protection, training, and personal relationships; or

(3) The child is physically present in this state and:

(a) The child has been abandoned; or

(b) It is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse, or is otherwise being neglected; or

(4) It appears that no other state would have jurisdiction under prerequisites substantially in accordance with subdivision (1), (2), or (3), or another state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum to determine the custody of the child, and it is in the best interest of the child that this court assume jurisdiction.

2. Except as provided in subdivisions (3) and (4) of subsection 1 of this section, physical

presence of the child, or of the child and one of the litigants, in this state is not sufficient alone to confer jurisdiction on a court of this state to make a child custody determination.

3. Physical presence of the child, while desirable, is not a prerequisite for jurisdiction to determine his custody.]

[452.455. 1. Any petition for modification of child custody decrees filed under the provisions of section 452.410, or sections 452.440 to 452.450, shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original proceeding.

2. Before making a decree under the provisions of section 452.410, or sections 452.440 to 452.450, the litigants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child must be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service (forty-five days if service by publication) file a verified answer. If any of these persons is outside this state, notice and opportunity to be heard shall be given pursuant to section 452.460.

3. In any case in which the paternity of a child has been determined by a court of competent jurisdiction and where the noncustodial parent is delinquent in the payment of child support in an amount in excess of ten thousand dollars, the custodial parent shall have the right to petition a court of competent jurisdiction for the termination of the parental rights of the noncustodial parent.

4. When a person filing a petition for modification of a child custody decree owes past due child support to a custodial parent in an amount in excess of ten thousand dollars, such person shall post a bond in the amount of past due child support owed as ascertained by the division of child support enforcement or reasonable legal fees of the custodial parent, whichever is greater, before the filing of the petition. The court shall hold the bond in escrow until the modification proceedings pursuant to this section have been concluded wherein such bond shall be transmitted to the division of child support enforcement for disbursement to the custodial parent.]

[452.460. 1. The notice required for the exercise of jurisdiction over a person outside this state shall be given in a manner reasonably calculated to give actual notice, and may be given in any of the following ways:

(1) By personal delivery outside this state in the manner prescribed for service of process within this state;

(2) In the manner prescribed by the law of the place in which the service is made for service of process in that place in an action in any of its courts of general jurisdiction;

(3) By certified or registered mail; or

(4) As directed by the court, including publication, if any other means of notification are ineffective.

2. Proof of service outside this state may be made by affidavit of the individual who made the service, or in the manner prescribed by the law of this state, the order pursuant to which the service is made, or the law of the place in which the service is made. If service is made by mail, proof of service may be a receipt signed by the addressee or other evidence of delivery to the addressee. 3. The notice provided for in this section is not required for a person who submits to the jurisdiction

of the court.]

[452.465. 1. A court of this state shall not exercise its jurisdiction under sections 452.440 to 452.550 if, at the time of filing the petition, a proceeding concerning the custody of the child was pending in a court of another state exercising jurisdiction substantially in conformity with sections 452.440 to 452.550, unless the proceeding is stayed by the court of that other state for any reason.

2. Before hearing the petition in a custody proceeding, the court shall examine the pleadings and other information supplied by the parties under section 452.480 and shall consult the child custody registry established under section 452.515 concerning the pendency of proceedings with respect to the child in other states. If the court has reason to believe that proceedings may be pending in another state, it shall direct an inquiry to the state court administrator or other appropriate official of that state.

3. If the court is informed during the course of the proceeding that a proceeding concerning the custody of the child was pending in another state before the court assumed jurisdiction, it shall stay the proceeding and communicate with the court in which the other proceeding is pending in order that the issue may be litigated in the more appropriate forum and that information may be exchanged in accordance with sections 452.530 to 452.550. If a court of this state has made a custody decree before being informed of a pending proceeding in a court of another state, it shall immediately inform that court of the fact. If the court is informed that a proceeding was commenced in another state after it assumed jurisdiction, it shall likewise inform the other court in order that the issues may be litigated in the more appropriate forum.]

[452.470. 1. A court which has jurisdiction under this act to make an initial or modification decree may decline to exercise its jurisdiction any time before making a decree if it finds that it is an inconvenient forum to make a custody determination under the circumstances of the case and that a court of another state is a more appropriate forum.

2. A finding that a court is an inconvenient forum under subsection 1 above may be made upon the court's own motion or upon the motion of a party or a guardian ad litem or other representative of the child. In determining if it is an inconvenient forum, the court shall consider if it is in the interest of the child that another state assume jurisdiction.

3. Before determining whether to decline or retain jurisdiction the court may communicate with a court of another state and exchange information pertinent to the assumption of jurisdiction by either court, with a view to assuring that jurisdiction will be exercised by the more appropriate court and that a forum will be available to the parties.

4. If the court finds that it is an inconvenient forum and that a court of another state is a more appropriate forum, it may dismiss the proceedings, or it may stay the proceedings upon condition that a custody proceeding be promptly commenced in another named state or upon any other conditions which may be just and proper, including the condition that a moving party stipulate his consent and submission to the jurisdiction of the other forum.

5. The court may decline to exercise its jurisdiction under this act if a custody determination is incidental to an action for dissolution of marriage or another proceeding while retaining jurisdiction over the dissolution of marriage or other proceeding.

6. If it appears to the court that it is clearly an inappropriate forum, it may require the party who

commenced the proceedings to pay, in addition to the costs of the proceedings in this state, necessary travel and other expenses, including attorneys' fees, incurred by other parties or their witnesses. Payment is to be made to the clerk of the court for remittance to the proper party.

7. Upon dismissal or stay of proceedings under this section, the court shall inform the court found to be the more appropriate forum of this fact or, if the court which would have jurisdiction in the other state is not certainly known, shall transmit the information to the court administrator or other appropriate official for forwarding to the appropriate court.

8. Any communication received from another state informing this state of a finding that a court of this state is the more appropriate forum shall be filed in the custody registry of the appropriate court. Upon assuming jurisdiction the court of this state shall inform the original court of this fact.]

[452.475. 1. If the petitioner for an initial decree has wrongfully taken the child from another state or has engaged in similar reprehensible conduct, the court may decline to exercise jurisdiction if this is just and proper under the circumstances.

2. Unless required in the interest of the child, the court shall not exercise its jurisdiction to modify a custody decree of another state if the petitioner, without consent of the person entitled to custody, has improperly removed the child from the physical custody of the person entitled to custody or has improperly retained the child after a visit or other temporary relinquishment of physical custody. If the petitioner has violated any other provision of a custody decree of another state, the court may decline to exercise its jurisdiction if this is just and proper under the circumstances.

3. In appropriate cases a court dismissing a petition under this section may charge the petitioner with necessary travel and other expenses, including attorneys' fees, incurred by other parties or their witnesses.]

[452.480. 1. In his first pleading, or in an affidavit attached to that pleading, every party in a custody proceeding shall give information under oath as to the child's present address, with whom the child is presently living and with whom and where the child lived, other than on a temporary basis, within the past six months. In this pleading or affidavit every party shall further declare under oath whether:

(1) He has participated in any capacity in any other litigation concerning the custody of the same child in this or any other state;

(2) He has information of any custody proceeding concerning the child pending in a court of this or any other state; and

(3) He knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child.

2. If the declaration as to any of the items listed in subdivisions (1) through (3) of subsection 1 above is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and as to other matters pertinent to the court's jurisdiction and the disposition of the case.

3. Each party has a continuing duty to inform the court of any change in information required by subsection 1 of this section.]

[452.485. If the court learns from information furnished by the parties pursuant to section 452.480 or from other sources that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it may order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of his joinder as a party. If the person joined as a party is outside this state he shall be served with process or otherwise notified in accordance with section 452.460.]

[452.490. 1. The court may order any party to the proceeding who is in this state to appear personally before the court. If the court finds the physical presence of the child in court to be in the best interests of the child, the court may order that the party who has physical custody of the child appear personally with the child.

2. If a party to the proceeding whose presence is desired by the court is outside this state, with or without the child, the court may order that the notice given under section 452.460 include a statement directing that party to appear personally with or without the child.

3. If a party to the proceeding who is outside this state is directed to appear under subsection 1 of this section or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child, if this is just and proper under the circumstances.

4. If the court finds it to be in the best interest of the child that a guardian ad litem be appointed, the court may appoint a guardian ad litem for the child. The guardian ad litem so appointed shall be an attorney licensed to practice law in the state of Missouri. Disqualification of a guardian ad litem shall be ordered in any legal proceeding pursuant to this chapter, upon the filing of a written application by any party within ten days of appointment. Each party shall be entitled to one disqualification of a guardian ad litem appointed under this subsection in each proceeding, except a party may be entitled to additional disqualifications of a guardian ad litem for good cause shown. The guardian ad litem may, for the purpose of determining custody of the child only, participate in the proceedings as if such guardian ad litem were a party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

5. The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged.]

[452.495. A custody decree rendered by a court of this state which had jurisdiction under section 452.450 binds all parties who have been served in this state or notified in accordance with section 452.460, or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to these parties the custody decree is conclusive as to all issues of law and fact decided and as to the custody determination made, unless and until that determination is modified pursuant to law, including the provisions of section 452.410 and sections 452.440 to 452.550.]

[452.500. The courts of this state shall recognize and enforce an initial or modification decree of a court of another state which had assumed jurisdiction under statutory provisions substantially in accordance with sections 452.440 to 452.550, or which was made under factual circumstances meeting the jurisdictional standards of sections 452.440 to 452.550, so long as this decree has not been modified in accordance with jurisdictional standards substantially similar to those of sections 452.440 to 452.550.]

[452.505. If a court of another state has made a custody decree, a court of this state shall not modify that decree unless it appears to the court of this state that the court which rendered the decree does not now have jurisdiction under jurisdictional prerequisites substantially in accordance with sections 452.440 to 452.550 or has declined to assume jurisdiction to modify the decree and the court of this state has jurisdiction.]

[452.510. 1. A certified copy of a custody decree of another state may be filed in the office of the clerk of any circuit court of this state. The clerk shall treat the decree in the same manner as a custody decree of the circuit court of this state. A custody decree so filed has the same effect and shall be enforced in like manner as a custody decree rendered by a court of this state.

2. A person violating a custody decree of another state which makes it necessary to enforce the decree in this state may be required to pay necessary travel and other expenses, including attorneys' fees, incurred by the party entitled to the custody or his witnesses.]

[452.515. The clerk of each circuit court shall maintain a registry in which he shall enter the following:

- (1) Certified copies of custody decrees of other states received for filing;
- (2) Communications as to the pendency of custody proceedings in other states;
- (3) Communications concerning findings of inconvenient forum under section 452.470 by a court of another state; and
- (4) Other communications or documents concerning custody proceedings in another state which in the opinion of the circuit judge may affect the jurisdiction of a court of this state or the disposition to be made by it in a custody proceeding.]

[452.520. The clerk of the circuit court of this state, at the request of the court of another state or at the request of any person who is affected by or has a legitimate interest in a custody decree, may, upon payment therefor, certify and forward a copy of the decree to that court or person.]

[452.525. In addition to other procedural devices available to a party, any party to the proceeding or a guardian ad litem or other representative of the child may obtain the testimony of witnesses, including parties and the child, by deposition or otherwise, in another state. The court on its own motion may direct that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony shall be taken.]

[452.530. 1. A court of this state may request the appropriate court of another state to hold a hearing to obtain evidence, to order persons within that state to produce or give evidence under other procedures of that state, or to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this state; and to forward to the court of this state certified copies of the transcript of the record of the hearing, the evidence otherwise obtained, or any social studies prepared in compliance with the request. The cost of the services may be assessed against the parties.

2. A court of this state may request the appropriate court of another state to order a party to custody proceedings pending in the court of this state to appear in the proceedings and, if that party has physical custody of the child, to appear with the child. The request may state that travel and other necessary expenses of the party and of the child whose appearance is desired will be assessed

against the appropriate party.]

[452.535. 1. Upon request of the court of another state, the courts of this state which are competent to hear custody matters may order a person in this state to appear at a hearing to obtain evidence or to produce or give evidence under other procedures available in this state for use in a custody proceeding in another state. A certified copy of the transcript of the record of the hearing or the evidence otherwise obtained may, in the discretion of the court and upon payment therefor, be forwarded to the requesting court.

2. A person within this state may voluntarily give his testimony or statement in this state for use in a custody proceeding outside this state.

3. Upon request of the court of another state, a competent court of this state may order a person in this state to appear alone or with the child in a custody proceeding in another state. The court may condition compliance with the request upon assurance by the other state that travel and other necessary expenses will be advanced or reimbursed.]

[452.540. In any custody proceeding in this state the court shall preserve the pleadings, orders and decrees, any record that has been made of its hearings, social studies, and other pertinent documents until the child reaches eighteen years of age. When requested by the court of another state the court may, upon payment therefor, forward to the other court certified copies of any or all of such documents.]

[452.545. If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in a court of this state, the court of this state, upon taking jurisdiction of the case, shall request of the court of the other state a certified copy of the transcript of any court record and other documents mentioned in section 452.540.]

[452.550. Upon the request of a party to a custody proceeding which raises a question of existence or exercise of jurisdiction under sections 452.440 to 452.550, determination of jurisdiction shall be given calendar priority and handled expeditiously.]

[454.516. 1. The director or IV-D agency may cause a lien pursuant to subsections 2 and 3 of this section or the obligee may cause a lien pursuant to subsection 7 of this section for unpaid and delinquent child support to block the issuance of a certificate of ownership for motor vehicles, motor boats, outboard motors, manufactured homes and trailers that are registered in the name of a delinquent child support obligor.

2. The director or IV-D agency shall notify the department of revenue with the required information necessary to impose a lien pursuant to this section by filing a notice of lien.

3. The director or IV-D agency shall not notify the department of revenue and the department of revenue shall not register such lien except as provided in this subsection. After the director or IV-D agency decides that such lien qualifies pursuant to this section and forward it to the department of revenue, the director of revenue or the director's designee shall only file such lien against the obligor's certificate of ownership when:

(1) The obligor has unpaid child support which exceeds one thousand dollars;

(2) The property has a value of more than three thousand dollars as determined by current industry publications that provide such estimates to dealers in the business, and the property's year



of manufacture is within seven years of the date of filing of the lien except in the case of a motor vehicle that has been designated a historic vehicle;

(3) The property has no more than two existing liens for child support;

(4) The property has had no more than three prior liens for child support in the same calendar year.

4. In the event that a lien is placed and the obligor's total support obligation is eliminated, the director shall notify the department of revenue that the lien shall be removed.

5. Upon notification that a lien exists pursuant to this section, the department of revenue shall register the lien on the records of the department of revenue. Such registration shall contain the type and model of the property and the serial number of the property.

6. Upon notification by the director that the lien shall be removed pursuant to subsection 4 of this section, the department of revenue shall register such removal of lien on its datebank, that shall contain the type and model of the property and the serial number of the property. The division or IV-D agency may hold any satisfaction of the registered lien until the child support obligation is satisfied, or levy and execute on the motor vehicle, motor boat, outboard motor, manufactured home or trailer and sell same, at public sale, in order to satisfy the debt.

7. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this section the obligee or the obligee's attorney shall file notice of the lien with the department of revenue. This notice shall have attached a certified copy of the court order with all modifications and a sworn statement by the obligee or a certified statement from the court attesting to or certifying the amount of arrearages.

8. Notwithstanding any other law to the contrary, the department of revenue shall maintain a child support lien database for outstanding child support liens against the owner's certificate of ownership provided for by chapters 301, 306, and 700, RSMo. To determine any existing liens for child support pursuant to this section, the lienholder, dealer, or buyer may inquire electronically into the database. A good faith purchaser for value without notice of the lien in the database or a lender without notice of the lien in the database takes free of the lien.]

[550.050. 1. Every person who shall institute any prosecution to recover a fine, penalty or forfeiture shall be adjudged to pay all costs if the defendant is acquitted although he may not be entitled to any part of the same.

2. When such prosecutions are commenced by a public officer whose duty it is to institute the same, and the defendant is acquitted, the county shall pay the costs; if he is convicted, and unable to pay the costs, the county shall pay all the costs, except such as were incurred on the part of the defendant.]

[550.070. If a person, charged with a felony, shall be discharged by the officer taking his examination, the costs shall be paid by the prosecutor or person on whose oath the prosecution was instituted, and the officer taking such examination shall enter judgment against such person for the same, and issue execution therefor immediately; and in no such case shall the state or county pay the costs.]

[550.080. If, upon the trial of any indictment or information, the defendant shall be acquitted

or discharged, and the prosecutor or prosecuting witness shall be liable to pay the costs according to law, judgment shall be rendered against such prosecutor for the costs in the case, and in no such case shall the same be paid by either the county or state.]

[550.090. When the proceedings are prosecuted before any associate circuit judge, at the instance of the injured party, for the disturbance of the peace of a person, or for libel or slander, or for any trespass against the person or property of another, not amounting to a felony, except for petit larceny, the name of such injured party shall be entered by the associate circuit judge on his record as a prosecutor; and if the defendant shall be discharged or acquitted, such prosecutor shall be adjudged to pay the costs not otherwise adjudged; and in every other case of acquittal, if the associate circuit judge or jury trying the case shall state in the finding that the prosecution was malicious or without probable cause, the associate circuit judge shall enter judgment for costs against the prosecution or party at whose instance the information was filed, and shall issue execution therefor; but in no case shall the prosecuting attorney be liable for costs. In other cases of discharge or acquittal the costs shall be paid by the county, except when the prosecution is commenced by complaint and the prosecuting attorney declines to file information thereon, in which case the proceedings shall be dismissed at the cost of the party filing the complaint.]”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 294**.

Bill ordered enrolled.

### HOUSE BILLS ON THIRD READING

**HB 802**, introduced by Representative Tracy, et al, entitled:

An Act to repeal section 32.105, RSMo, and to enact in lieu thereof one new section relating to neighborhood assistance act.

Was called from the Informal Calendar and taken up by Senator Crowell.

On motion of Senator Crowell, **HB 802** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

#### NAYS—Senators—None

#### Absent—Senators—None

#### Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Pearce, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 44** moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 44

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 44, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 44;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 44;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 44, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce

/s/ Brad Lager

/s/ Eric S. Schmitt

Timothy Green

Joan Bray

FOR THE HOUSE:

/s/ Denny Hoskins

/s/ Casey Guernsey

/s/ Kenny Jones

Paul Quinn

Thomas Todd

Senator Pearce moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields
Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—29			

#### NAYS—Senators

Bray Days—2

1995

*Seventy-Second Day—Friday, May 15, 2009*

Absent—Senators

Purgason      Scott      Smith—3

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, **CCS No. 2** for **HCS** for **SCS** for **SB 44**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 44

An Act to repeal sections 221.111, 221.353, 221.510, 575.210, 575.220, and 575.240, RSMo, and to enact in lieu thereof eight new sections relating to private jails, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senator Days—1

Absent—Senators

Purgason      Scott      Smith—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Justus moved that **SCS** for **SB 104**, with **HA 1**, as amended, **HA 2** and **HA 3**, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Lager assumed the Chair.

**HA 1**, as amended, was taken up.

Senator Justus moved that the Senate refuse to concur in **HA 1**, as amended, and request the House to recede from its position.

At the request of Senator Justus, the above motion was withdrawn.

President Pro Tem Shields assumed the Chair.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 481**, entitled:

An Act to repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to the exclusion of punitive and exemplary damages in certain claims against public entities or their officers or employees in certain circumstances.

Was called from the Informal Calendar and taken up by Senator Lembke.

Senator Bartle offered **SS** for **HCS** for **HB 481**, entitled:

**SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 481**

An Act to repeal sections 41.950, 60.010, 82.300, 84.150, 84.175, 105.145, 141.160, 208.040, 208.055, 217.450, 217.460, 238.207, 229.110, 347.179, 347.183, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 359.681, 452.305, 452.310, 452.312, 452.343, 452.423, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 454.500, 455.010, 473.743, 476.415, 485.077, 516.200, 517.040, 535.030, 535.120, 545.050, 550.050, 550.070, 550.080, 550.090, 561.031, 537.610, 630.407, and 650.055, RSMo, section 454.516 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first general assembly, second regular session, and sections 105.145, 238.207, and 238.212, as truly agreed to and finally passed by the first regular session of the ninety-fifth general assembly in senate substitute for senate committee substitute for house committee substitute for house bill no. 191, and to enact in lieu thereof one hundred twenty-seven new sections relating to courts and judicial proceedings, with penalty provisions.

Senator Bartle moved that **SS** for **HCS** for **HB 481** be adopted.

Senator Bartle offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for House Committee Substitute for House Bill No. 481, Pages 12-13, Section 105.145, by striking all of said section from the bill; and

Further amend said bill, pages 26-31, section 238.207 by striking all of said section from the bill; and

Further amend said bill, pages 156-157, section 105.145 by striking all of said section from the bill; and

Further amend said bill, pages 158-161, section 238.207 by striking all of said section from the bill; and

Further amend said bill, pages 161-162, section 238.212 by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Scott assumed the Chair.

Senator Bartle moved that **SS** for **HCS** for **HB 481**, as amended, be adopted, which motion prevailed.

On motion of Senator Lembke, **SS** for **HCS** for **HB 481** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Lembke moved that **HCS** for **HB 228**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HCS** for **HB 228** was again taken up.

A quorum was established by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Lembke, **HCS** for **HB 228**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Purgason moved that **HCS** for **HB 795**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Callahan, **SA 1** was withdrawn.

At the request of Senator Purgason, **HCS** for **HB 795**, with **SCS** (pending), was placed on the Informal Calendar.

### PRIVILEGED MOTIONS

Senator Rupp, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 577**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 577

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 577, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, and Senate Amendment No. 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 577, as amended;
2. That the House recede from its position on House Bill No. 577;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 577, be Third Read and Finally Passed.

#### FOR THE HOUSE:

/s/ Brian Yates  
/s/ Bob Nance  
/s/ Kevin Wilson  
/s/ Michael Talboy  
/s/ Jill Schupp

#### FOR THE SENATE:

/s/ Scott T. Rupp  
/s/ Jack A.L. Goodman  
/s/ Tom Dempsey  
/s/ Wes Shoemyer  
/s/ Victor E. Callahan

Senator Rupp moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer
McKenna	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

#### NAYS—Senators

Bartle	Justus	Nodler	Purgason—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

President Pro Tem Shields assumed the Chair.

On motion of Senator Rupp, **CCS** for **SS** for **SCS** for **HCS** for **HB 577**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 577

An Act to repeal sections 143.441, 147.010, 148.370, 303.024, 374.456, 375.020, 375.1025, 375.1028, 375.1030, 375.1032, 375.1035, 375.1037, 375.1040, 375.1042, 375.1045, 375.1047, 375.1050, 375.1052, 375.1057, 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, 379.1412, 382.400, 382.402, 382.405, 382.407, 382.409, 384.025, 384.031, 384.043, 384.051, 384.057, and 384.062, RSMo, and to enact in lieu thereof forty-nine new sections relating to the regulation of insurance, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Bartle	Justus	Purgason—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

President Pro Tem Shields declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has



taken up and passed **HCS** for **SCS** for **SB 134**, entitled:

An Act to repeal sections 21.795 and 301.2998, RSMo, and to enact in lieu thereof eleven new sections relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 26**, as amended, and has taken up and passed **SB 26**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS** for **HCS** for **HB 191**, as amended, and has taken up and passed **SS No. 2** for **SCS** for **HCS** for **HB 191**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SCS** for **SB 44** and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 44**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 306**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 306**, as amended. Representatives: Wilson (130), Ervin, Icet, Skaggs and Still.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HCS** for **SB 485**, as amended, and has again taken up and passed **SB 485**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 481**, as amended, and has taken up and passed **SS** for **HCS** for **HB 481**, as amended.

**RESOLUTIONS**

Senator Schmitt offered Senate Resolution No. 1194, regarding Matthew James, Manchester, which was adopted.

Senator Schmitt offered Senate Resolution No. 1195, regarding the Two Hundred-twentieth Anniversary of the Battle of Fort San Carlos and the Battle of Fort San Carlos commemoration committee, which was adopted.

Senator Purgason offered Senate Resolution No. 1196, regarding Alyssa McNerney, Lake Ozark, which was adopted.

Senator Crowell offered Senate Resolution No. 1197, regarding Bayley Nicole Hotop, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 1198, regarding Morgan Elizabeth Moll, Perryville, which was adopted.

Senator McKenna offered Senate Resolution No. 1199, regarding Ashley Malone, Cedar Hill, which was adopted.

Senator McKenna offered Senate Resolution No. 1200, regarding the death of Sergeant Edward Watson Forrest, Jr., which was adopted.

Senator Goodman offered Senate Resolution No. 1201, regarding Tyler Laney, Billings, which was adopted.

Senator Goodman offered Senate Resolution No. 1202, regarding Jerry Parrett, Nixa, which was adopted.

Senator Goodman offered Senate Resolution No. 1203, regarding Deborah D. Davila, which was adopted.

Senator Goodman offered Senate Resolution No. 1204, regarding the Southern Stone County Fire Protection District, which was adopted.

Senator Pearce offered Senate Resolution No. 1205, regarding Cindy Larrison, Warrensburg, which was adopted.

Senator Schaefer offered Senate Resolution No. 1206, regarding Sarah Kraus, Columbia, which was adopted.

On motion of Senator Engler, the Senate adjourned until 11:00 a.m., Friday, May 29, 2009.

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# Journal of the Senate

FIRST REGULAR SESSION

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**SEVENTY-THIRD DAY—FRIDAY, MAY 29, 2009**

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The Senate met pursuant to adjournment.

President Pro Tem Shields in the Chair.

## **RESOLUTIONS**

On behalf of Senator Vogel, Senator Shields offered Senate Resolution No. 1207, regarding Ronald W. Call, Eugene, which was adopted.

On behalf of Senator Vogel, Senator Shields offered Senate Resolution No. 1208, regarding Phyllis Schomaker, Barnett, which was adopted.

On behalf of Senator Bartle, Senator Shields offered Senate Resolution No. 1209, regarding Kyle Alberg, which was adopted.

On behalf of Senator Justus, Senator Shields offered Senate Resolution No. 1210, regarding Hila “Dutch” Newman, Kansas City, which was adopted.

On behalf of Senator Justus, Senator Shields offered Senate Resolution No. 1211, regarding James B. Nutter, Sr., Kansas City, which was adopted.

On behalf of Senator Dempsey, Senator Shields offered Senate Resolution No. 1212, regarding ELTEK International Laboratories, which was adopted.

On behalf of Senator Dempsey, Senator Shields offered Senate Resolution No. 1213, regarding First State Bank, St. Charles, which was adopted.

On behalf of Senator Dempsey, Senator Shields offered Senate Resolution No. 1214, regarding St. Charles Office Furniture, which was adopted.

On behalf of Senator Dempsey, Senator Shields offered Senate Resolution No. 1215, regarding EPC, Inc., which was adopted.

On behalf of Senator Dempsey, Senator Shields offered Senate Resolution No. 1216, regarding Joe Crenshaw, which was adopted.

On behalf of Senator Engler, Senator Shields offered Senate Resolution No. 1217, regarding Randy Lee

McMahan, which was adopted.

On behalf of Senator Bray, Senator Shields offered Senate Resolution No. 1218, regarding Dylan Cockson, St. Louis, which was adopted.

On behalf of Senator Bray, Senator Shields offered Senate Resolution No. 1219, regarding Allen Stringer, Maryland Heights, which was adopted.

On behalf of Senator Bray, Senator Shields offered Senate Resolution No. 1220, regarding Yiran (Mack) Su, Clayton, which was adopted.

On behalf of Senator Lager, Senator Shields offered Senate Resolution No. 1221, regarding Dr. Margaret Drew, Maryville, which was adopted.

On behalf of Senator Lager, Senator Shields offered Senate Resolution No. 1222, regarding Teresa Curtis, Maysville, which was adopted.

On behalf of Senator Lager, Senator Shields offered Senate Resolution No. 1223, regarding Ryan James, which was adopted.

On behalf of Senator Dempsey, Senator Shields offered Senate Resolution No. 1224, regarding Lussien Tzerov, St. Charles, which was adopted.

On behalf of Senator Dempsey, Senator Shields offered Senate Resolution No. 1225, regarding Cary Nave, Saint Peters, which was adopted.

On behalf of Senator Dempsey, Senator Shields offered Senate Resolution No. 1226, regarding Andrea Hibbeler, St. Charles, which was adopted.

On behalf of Senator Dempsey, Senator Shields offered Senate Resolution No. 1227, regarding Julie Allen, St. Charles, which was adopted.

On behalf of Senators Smith and Wright-Jones, Senator Shields offered Senate Resolution No. 1228, regarding the Health Institute, Saint Louis, which was adopted.

On behalf of Senators Smith and Wright-Jones, Senator Shields offered Senate Resolution No. 1229, regarding the Saint Louis City Department of Health, which was adopted.

On behalf of Senator Wright-Jones, Senator Shields offered Senate Resolution No. 1230, regarding the Lisa Colbert Memorial/Black Repertory Theater benefit reception, Saint Louis, which was adopted.

On behalf of Senator Crowell, Senator Shields offered Senate Resolution No. 1231, regarding Skyler Moll, Perryville, which was adopted.

On behalf of Senator Crowell, Senator Shields offered Senate Resolution No. 1232, regarding Shannon Diane Hotop, Perryville, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1233, regarding Joseph Daues, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1234, regarding Cindy Feldmann, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1235, regarding David Wigglesworth, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1236, regarding Jeff Gierer, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1237, regarding Debra Pemberton, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1238, regarding James and Ava Skinner, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1239, regarding Patricia Hallemeier, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1240, regarding Marganna Blastenbrie, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1241, regarding Debbie Loeffelman, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1242, regarding Jessica Cruz, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1243, regarding Jamie Williams, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1244, regarding St. Charles Police Office Ray Juengst, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1245, regarding St. Charles Police Officer David McNown, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1246, regarding St. Charles Police Detective Mike Myers, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1247, regarding St. Charles Police Officer John Stanczak, which was adopted.

On behalf of Senators Dempsey and Rupp, Senator Shields offered Senate Resolution No. 1248, regarding the late Grant A. Jansen, which was adopted.

Senator Shields offered Senate Resolution No. 1249, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Koch, St. Joseph, which was adopted.

On behalf of Senator Crowell, Senator Shields offered Senate Resolution No. 1250, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Bill J. Adams, Jackson, which was adopted.

On behalf of Senator Stouffer, Senator Shields offered Senate Resolution No. 1251, regarding Rebecca A. Belt, which was adopted.

On behalf of Senator Stouffer, Senator Shields offered Senate Resolution No. 1252, regarding Harold Korte, Pilot Grove, which was adopted.

On behalf of Senator Stouffer, Senator Shields offered Senate Resolution No. 1253, regarding James Wood, which was adopted.

On behalf of Senator Stouffer, Senator Shields offered Senate Resolution No. 1254, regarding Henry

Vollmer, Nelson, which was adopted.

On behalf of Senator Stouffer, Senator Shields offered Senate Resolution No. 1255, regarding Brigadier General Larry D. Kay, Boonville, which was adopted.

On behalf of Senator Stouffer, Senator Shields offered Senate Resolution No. 1256, regarding Kayla Prewitt, Salisbury, which was adopted.

On behalf of Senator Stouffer, Senator Shields offered Senate Resolution No. 1257, regarding Lacy Peavler, Bevier, which was adopted.

On behalf of Senator Stouffer, Senator Shields offered Senate Resolution No. 1258, regarding Cassie Hayes, Marshall, which was adopted.

On behalf of Senator Stouffer, Senator Shields offered Senate Resolution No. 1259, regarding Katelyn Pointer, Marshall, which was adopted.

On behalf of Senator Stouffer, Senator Shields offered Senate Resolution No. 1260, regarding Lauren Thomas, Marshall, which was adopted.

On behalf of Senator Lembke, Senator Shields offered Senate Resolution No. 1261, regarding Josh Johnson, St. Louis, which was adopted.

On behalf of Senator Lembke, Senator Shields offered Senate Resolution No. 1262, regarding Sara Heins, St. Louis, which was adopted.

On behalf of Senator Griesheimer, Senator Shields offered Senate Resolution No. 1263, regarding the Seventy-fifth Anniversary of the New Haven-Berger Fire District, which was adopted.

On behalf of Senator McKenna, Senator Shields offered Senate Resolution No. 1264, regarding Joshua Greathouse, which was adopted.

On behalf of Senator Champion, Senator Shields offered Senate Resolution No. 1265, regarding Matthew Price, Springfield, which was adopted.

On behalf of Senator Lager, Senator Shields offered Senate Resolution No. 1266, regarding Mitchell Bailey, Trenton, which was adopted.

On behalf of Senator Lager, Senator Shields offered Senate Resolution No. 1267, regarding Miles Moore, Trenton, which was adopted.

On behalf of Senator Vogel, Senator Shields offered Senate Resolution No. 1268, regarding Jamie Schulte, Jefferson City, which was adopted.

On behalf of Senator Vogel, Senator Shields offered Senate Resolution No. 1269, regarding Kris Andrae, Jefferson City, which was adopted.

On behalf of Senator Vogel, Senator Shields offered Senate Resolution No. 1270, regarding Steve Long, Saint Thomas, which was adopted.

On behalf of Senator Schaefer, Senator Shields offered Senate Resolution No. 1271, regarding Tyler Schnaidt, Columbia, which was adopted.

On behalf of Senator Justus, Senator Shields offered Senate Resolution No. 1272, regarding Alexis Petri, which was adopted.

On behalf of Senator Justus, Senator Shields offered Senate Resolution No. 1273, regarding Maria Iliakova, which was adopted.

On behalf of Senator Vogel, Senator Shields offered Senate Resolution No. 1274, regarding the Fiftieth Birthday of Charles Riley “Chuck” Pryor, Versailles, which was adopted.

On behalf of Senators Days and Shoemyer, Senator Shields offered Senate Resolution No. 1275, regarding Mrs. Lola Ireland, Hannibal, which was adopted.

Senator Shields offered Senate Resolution No. 1276, regarding Julia Rupp, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1277, regarding Nicole Molumby, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1278, regarding Jodi Bloemker, Smithville, which was adopted.

Senator Shields offered Senate Resolution No. 1279, regarding Barbara Sprong, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1280, regarding Karen Woodbury, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1281, regarding Laura Bakken, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1282, regarding Becky Shellito, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1283, regarding BJ Office Products, St. Joseph, which was adopted.

On behalf of Senator Callahan, Senator Shields offered Senate Resolution No. 1284, regarding Reverend R. Duane Stephens, Independence, which was adopted.

On behalf of Senator Callahan, Senator Shields offered Senate Resolution No. 1285, regarding James S.L. King, Kansas City, which was adopted.

On behalf of Senator Callahan, Senator Shields offered Senate Resolution No. 1286, regarding Jack C. Gilbert, Reston, Virginia, which was adopted.

On behalf of Senator Callahan, Senator Shields offered Senate Resolution No. 1287, regarding Henry R. Pearley, Independence, which was adopted.

On behalf of Senator Callahan, Senator Shields offered Senate Resolution No. 1288, regarding Edward E. Thomas, Long Beach, California, which was adopted.

On behalf of Senator Callahan, Senator Shields offered Senate Resolution No. 1289, regarding Herndon Career Center, Raytown, which was adopted.

On behalf of Senator Engler, Senator Shields offered Senate Resolution No. 1290, regarding Samuel Levi Reece, Farmington, which was adopted.

On behalf of Senator Engler, Senator Shields offered Senate Resolution No. 1291, regarding Renee

Horn, Lesterville, which was adopted.

On behalf of Senator Engler, Senator Shields offered Senate Resolution No. 1292, regarding the One Hundredth Birthday of Irma W. Tetley, Farmington, which was adopted.

On behalf of Senator Engler, Senator Shields offered Senate Resolution No. 1293, regarding Harry P. Gamble, Cadet, which was adopted.

On behalf of Senator Engler, Senator Shields offered Senate Resolution No. 1294, regarding Barbara Simily, Leadwood, which was adopted.

On behalf of Senator Callahan, Senator Shields offered Senate Resolution No. 1295, regarding Don M. Holt, St. Louis, which was adopted.

On behalf of Senator Schaefer, Senator Shields offered Senate Resolution No. 1296, regarding Megan Goyette, which was adopted.

On behalf of Senator Schaefer, Senator Shields offered Senate Resolution No. 1297, regarding Grant Sykuta, which was adopted.

On behalf of Senator Clemens, Senator Shields offered Senate Resolution No. 1298, regarding Luke Cooper, Ozark, which was adopted.

On behalf of Senator Clemens, Senator Shields offered Senate Resolution No. 1299, regarding Samuel Henry Tucker Virnig, Sparta, which was adopted.

On behalf of Senator Clemens, Senator Shields offered Senate Resolution No. 1300, regarding Robert Powell, Ozark, which was adopted.

On behalf of Senator Crowell, Senator Shields offered Senate Resolution No. 1301, regarding the One Hundred First Birthday of Esther E. Macke, Cape Girardeau, which was adopted.

On behalf of Senator Scott, Senator Shields offered Senate Resolution No. 1302, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lewis Hydorn, Dunnegan, which was adopted.

On behalf of Senator Scott, Senator Shields offered Senate Resolution No. 1303, regarding Don Dixon, Warsaw, which was adopted.

On behalf of Senator Goodman, Senator Shields offered Senate Resolution No. 1304, regarding Rick D. Medlin, which was adopted.

On behalf of Senator Scott, Senator Shields offered Senate Resolution No. 1305, regarding Arthur Scott, which was adopted.

On behalf of Senator Pearce, Senator Shields offered Senate Resolution No. 1306, regarding Janet West, Holden, which was adopted.

On behalf of Senator Pearce, Senator Shields offered Senate Resolution No. 1307, regarding the Vintage Car Rally Association, which was adopted.

On behalf of Senator Pearce, Senator Shields offered Senate Resolution No. 1308, regarding Sergeant Lawrence Denney Jefferson, Jr., Warrensburg, which was adopted.



On behalf of Senator Days, Senator Shields offered Senate Resolution No. 1309, regarding Sean Hamre, which was adopted.

On behalf of Senator Days, Senator Shields offered Senate Resolution No. 1310, regarding Kathy Noelker, Ferguson, which was adopted.

On behalf of Senator Days, Senator Shields offered Senate Resolution No. 1311, regarding Olivia Lahman, which was adopted.

On behalf of Senator Days, Senator Shields offered Senate Resolution No. 1312, regarding Dave Walters, Ferguson, which was adopted.

On behalf of Senator Days, Senator Shields offered Senate Resolution No. 1313, regarding Emily Moll, Ferguson, which was adopted.

On behalf of Senator Justus, Senator Shields offered Senate Resolution No. 1314, regarding Pearce N.B. Latini, Grandview, which was adopted.

On behalf of Senator Crowell, Senator Shields offered Senate Resolution No. 1315, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Horace Hitt, Cape Girardeau, which was adopted.

On behalf of Senator Crowell, Senator Shields offered Senate Resolution No. 1316, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul R. Summers, Cape Girardeau, which was adopted.

On behalf of Senator Crowell, Senator Shields offered Senate Resolution No. 1317, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry McKinney, Cape Girardeau, which was adopted.

On behalf of Senator Wilson, Senator Shields offered Senate Resolution No. 1318, regarding Bishop James D. Tindall, Sr., Kansas City, which was adopted.

On behalf of Senator Wilson, Senator Shields offered Senate Resolution No. 1319, regarding Mary Waller, which was adopted.

On behalf of Senator Wilson, Senator Shields offered Senate Resolution No. 1320, regarding Maxine Boyd, which was adopted.

On behalf of Senator Ridgeway, Senator Shields offered Senate Resolution No. 1321, regarding Aron Wallis, which was adopted.

On behalf of Senator Ridgeway, Senator Shields offered Senate Resolution No. 1322, regarding Nathan Whitlock, which was adopted.

### **SIGNING OF CONCURRENT RESOLUTIONS**

The President Pro Tem announced that all other business would be suspended and **SCR 2**, having passed both branches of the General Assembly, would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

### **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics,

Senator Shields submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **HCS for SS for SCS for SB 1; HCS for SCS for SB 15; SB 26; HCS for SCS for SBs 36 and 112; SCS for SB 37; CCS No. 2 for HCS for SCS for SB 44; CCS for HCS for SCS for SB 47; SB 126; SCS for SB 140; SS for SCS for SB 141; HCS for SB 147; HCS for SCS for SB 152; SCS for SB 153; HCS for SB 154; SB 156; HCS for SCS for SB 157; SB 161; HCS for SCS for SB 179; HCS for SB 196; SCS for SB 202; SCS for SB 216; SB 217; SB 224; SCS for SB 231; SB 232; HCS for SB 235; CCS for HCS for SCS for SB 242; SCS for SB 243; SCS for SB 265; SB 277; HCS No. 2 for SS for SB 291; SB 294; CCS for HCS for SB 296; CCS for HCS for SS for SB 307; HCS for SCS for SB 338; SCS for SB 355; SB 368; SS for SCS for SB 376; SCS for SB 394; SB 398; HCS for SCS for SB 411; CCS for HCS for SB 435; CCS for HCS for SB 464; HCS for SB 480; SB 485; CCS for SB 513; SCS for SB 542; and SCS for SJR 5**, begs leave to report that it has examined the same and finds that the bills and joint resolution have been duly enrolled and that the printed copies furnished the Senators are correct.

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HCS for SS for SCS for SB 1; HCS for SCS for SB 15; SB 26; HCS for SCS for SBs 36 and 112; SCS for SB 37; CCS No. 2 for HCS for SCS for SB 44; CCS for HCS for SCS for SB 47; SB 126; SCS for SB 140; SS for SCS for SB 141; HCS for SB 147; HCS for SCS for SB 152; SCS for SB 153; HCS for SB 154; SB 156; HCS for SCS for SB 157; SB 161; HCS for SCS for SB 179; HCS for SB 196; SCS for SB 202; SCS for SB 216; SB 217; SB 224; SCS for SB 231; SB 232; HCS for SB 235; CCS for HCS for SCS for SB 242; SCS for SB 243; SCS for SB 265; SB 277; HCS No. 2 for SS for SB 291; SB 294; CCS for HCS for SB 296; CCS for HCS for SS for SB 307; HCS for SCS for SB 338; SCS for SB 355; SB 368; SS for SCS for SB 376; SCS for SB 394; SB 398; HCS for SCS for SB 411; CCS for HCS for SB 435; CCS for HCS for SB 464; HCS for SB 480; SB 485; CCS for SB 513; SCS for SB 542; and SCS for SJR 5**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

Also,

The President Pro Tem announced that all other business would be suspended and **HJR 15; HB 1; CCS for SS for SCS for HCS for HB 2; CCS for SS for SCS for HCS for HB 3; CCS for SCS for HCS for HB 4; CCS for SCS for HCS for HB 5; CCS for SCS for HCS for HB 6; CCS for SCS for HCS for HB 7; CCS for SCS for HCS for HB 8; CCS for SCS for HCS for HB 9; CCS for SCS for HCS for HB 10; CCS No. 2 for SCS for HCS for HB 11; CCS for SCS for HCS for HB 12; CCS for SCS for HB 13; SCS for HCS for HB 17; SCS for HCS for HB 21; SS for SCS for HCS for HB 22; CCS for SS for SCS for HCS for HB 62; SCS for HCS for HB 82; SCS for HB 83; HCS for HB 89; CCS for SCS for HB 91; SCS for HCS for HBs 93 and 216; SS No. 2 for SCS for HB 103; SCS for HCS for HB 111; HB 116; HCS for HB 124; SS for HB 132; CCS for SCS No. 2 for HCS for HB 148; SS for HCS for HB 152; CCS No. 2 for SS for HCS for HB 154; SCS for HB 171; SCS for HCS for HB 177 and HCS for HB 622; SS No. 2 for SCS for HCS for HB 191; SS for SCS for HCS for HB 205; HB 210; HB 218; HCS for HB 231; SCS for HCS for HB 237 and HB 238 and HB 482; SCS for HB 239; CCS for HCS for HB 246; SS for SCS for HCS for HB 247; SCS for HCS for HB 250; HCS for HB 251; HB 253; SCS for HB 257; CCS for**

SCS for HCS for **HB 265**; CCS for SCS for **HB 269**; SCS for HCS for **HB 272**; HCS for **HB 273**; **HB 282**; SCS for **HB 283**; **HB 289**; HCS for **HB 299**; HCS for **HB 306**; SCS for **HB 326**; SS for SCS for HCS for **HB 359**; HCS for **HB 361**; **HB 373**; SS for HCS for **HB 381**; HCS for **HB 382**; CCS for SS for SCS for HCS for **HB 390**; CCS for SS for SCS for **HB 395**; CCS for SCS for HCS for **HB 397** and HCS for **HB 947**; **HB 400**; CCS for SCS for HCS for **HB 427**; SS for HCS for **HB 481**; HCS for **HB 485**; **HB 490**; SCS for **HB 506**; HCS for **HB 525**; **HB 537**; SCS for **HB 544**; CCS for SS for SCS for HCS for **HB 577**; SCS for HCS for **HB 580**; **HB 593**; HCS for **HBs 620 and 671**; **HB 644**; **HB 652**; SS for HCS for **HB 661**; SCS for HCS for **HB 667**; **HB 678**; CCS for SS for SCS for **HB 683**; HCS for **HB 685**; **HB 698**; **HB 709**; SCS for **HB 716**; CCS for SS for SCS for **HB 734**; SS for HCS for **HB 740**; CCS for SCS for **HB 745**; **HB 747**; **HB 751**; SCS for HCS for **HB 752**; **HB 802**; **HB 811**; **HB 826**; SCS for HCS for **HBs 836 and 753**; SCS for **HB 842**; **HB 859**; SCS for **HB 861**; HCS for **HB 863**; SCS for **HB 866**; SCS for **HB 867**; HCS for **HB 883**; HCS for **HB 895**; HCS for **HB 909**; HCS for **HB 914**; **HB 918**; **HB 919**; SCS for **HB 922**; and CCS for SCS for HCS for **HB 1075**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

#### **CONCURRENT RESOLUTIONS DELIVERED TO THE GOVERNOR**

**SCR 2**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

#### **JOINT RESOLUTIONS DELIVERED TO THE SECRETARY OF STATE**

SCS for **SJR 5**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Secretary of State by the Secretary of the Senate.

#### **BILLS DELIVERED TO THE GOVERNOR**

HCS for SS for SCS for **SB 1**; HCS for SCS for **SB 15**; **SB 26**; HCS for SCS for **SBs 36 and 112**; SCS for **SB 37**; CCS No. 2 for HCS for SCS for **SB 44**; CCS for HCS for SCS for **SB 47**; **SB 126**; SCS for **SB 140**; SS for SCS for **SB 141**; HCS for **SB 147**; HCS for SCS for **SB 152**; SCS for **SB 153**; HCS for **SB 154**; **SB 156**; HCS for SCS for **SB 157**; **SB 161**; HCS for SCS for **SB 179**; HCS for **SB 196**; SCS for **SB 202**; SCS for **SB 216**; **SB 217**; **SB 224**; SCS for **SB 231**; **SB 232**; HCS for **SB 235**; CCS for HCS for SCS for **SB 242**; SCS for **SB 243**; SCS for **SB 265**; **SB 277**; HCS No. 2 for SS for **SB 291**; **SB 294**; CCS for HCS for **SB 296**; CCS for HCS for SS for **SB 307**; HCS for SCS for **SB 338**; SCS for **SB 355**; **SB 368**; SS for SCS for **SB 376**; SCS for **SB 394**; **SB 398**; HCS for SCS for **SB 411**; CCS for HCS for **SB 435**; CCS for HCS for **SB 464**; HCS for **SB 480**; **SB 485**; CCS for **SB 513**; and SCS for **SB 542**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

#### **MESSAGES FROM THE HOUSE**

The following message, reflecting action taken prior to the 6:00 p.m. adjournment, Friday, May 15, 2009, was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

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*Seventy-Third Day—Friday, May 29, 2009*

concurred in **SA 1** to **HCS** for **HCR 16** and has taken up and passed **HCS** for **HCR 16**, as amended.

On motion of Senator Shields, the Senate adjourned pursuant to the Constitution.

PETER KINDER

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

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# Journal of the Senate

## NINETY-FIFTH GENERAL ASSEMBLY

### OF THE

### STATE OF MISSOURI

#### FIRST REGULAR SESSION

#### VETO SESSION

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**WEDNESDAY, SEPTEMBER 16, 2009**

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The Senate was called to order in Veto Session by Lieutenant Governor Peter Kinder.

Reverend Carl Gauck offered the following prayer:

“God loves you right where you are but he doesn’t want to leave you there.” (Max Lucado)

Dear God, it has been a little while since we have been together and in that short time many we have known and cared deeply about have died. We will miss them and commend them to Your loving care. We pray for their families who now walk the days in grief and ask that You may comfort them and us with Your grace and mercy. As we discern the items that call for our attention this day, may we do so with wisdom and care so all may be done as unto You, O Lord. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

### RESOLUTIONS

Senator Engler offered the following resolution, which was read and adopted:

## SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

Senator Engler offered the following resolution, which was read and adopted:

## SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-fifth General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the Ninety-fifth General Assembly.

The Senate observed moments of silence in memory of Don Rackers and Marilyn Taylor Williams.

**COMMUNICATIONS FROM THE GOVERNOR**

The following communications, regarding vetoed Senate bills, were received by the Secretary of State, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 37 entitled:

## AN ACT

To repeal sections 600.011, 600.015, 600.017, 600.019, 600.021, 600.040, 600.042, 600.048, 600.086, 600.089, 600.090, and 600.096, RSMo, and to enact in lieu thereof thirteen new sections relating to the public defender system, with penalty provisions.

I disapprove of Senate Committee Substitute for Senate Bill No. 37. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 37 reflects a well-intentioned effort by the General Assembly to address the challenges being experienced by the Missouri Public Defender System. However, while I acknowledge that the public defender system is operating under significant stresses, I disagree that the solution is to allow the Public Defender Commission to establish maximum caseload standards and create waiting lists for criminal defendants.

Permitting the Public Defender Commission to unilaterally establish caseload limits will simply shift the burden to other participants in an already burdened criminal justice system. While that may understandably be preferable from the Public Defender System's perspective, it will not aid crime victims who will have to wait for justice to be imposed, prosecutors who may feel the necessity to prematurely waive jail or prison time in order to move a case forward, or criminal defendants who will have their day in court delayed.

Moreover, under Senate Committee Substitute for Senate Bill No. 37, once the maximum caseload limit is reached, management of the public defender's docket is effectively transferred from the public defender system to the trial court. Under this legislation, it is the trial court that will determine the order in which cases are placed on the waiting list for defender services. This relieves the public defender of the responsibility for their caseload at the expense of the trial court, but in no way does it actually address the caseload problem. Those cases will still exist, those defendants will still be waiting for their day in court, and those crime victims will continue to await justice.

While I commend the General Assembly for its effort in addressing this issue, after considerable thought and consideration, I have concluded that this approach vests too much unfettered discretion with the Public Defender System to set maximum caseload limits that will result in significant responsibilities shifting to the other participants in the criminal justice system to the detriment of all parties, including crime victims, without appreciable benefits being realized.

I disapprove of Senate Committee Substitute for Senate Bill No. 37 because I do not believe that it will solve the targeted problem.

*Wednesday, September 16, 2009*

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It is clear to me that the problem is one of resources, not only for the Public Defender System, but all participants in the criminal justice system. I am committed to working with the General Assembly to identify additional resources that will allow criminal proceedings to proceed effectively and efficiently for all parties involved.

In accordance with the above stated reasons, I disapprove of Senate Committee Substitute for Senate Bill No. 37.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 147 entitled:

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to the Missouri healthy workplace recognition program.

I disapprove of House Committee Substitute for Senate Bill No. 147. My reasons for disapproval are as follows:

House Committee Substitute for Senate Bill No. 147 requires the Governor's Council on Physical Fitness and Health, established under Executive Order 02-12, to develop the Missouri healthy workplace recognition program.

While the intent of the legislation is worthy, House Committee Substitute for Senate Bill No. 147 contains a technical defect. The Governor's Council on Physical Fitness and Health was not "established under Executive Order 02-12" and does not currently exist under that executive order.

The Governor's Council on Physical Fitness and Health was established by Executive Order 86-06. Executive Order 02-12, referenced in House Committee Substitute for Senate Bill No. 147, reauthorized the council with some changes. However, Executive Order 02-12 is no longer operative, and the council as reflected in Executive Order 02-12 does not currently exist. Executive Order 02-12 was explicitly superseded by Executive Order 07-10 which established the council as it is presently constituted.

While the purpose of the legislation to recognize employers that promote more healthy lifestyles is commendable, the reference in House Committee Substitute for Senate Bill No. 147 to the incorrect executive order will lead either to an inability to implement the provisions of the bill or confusion as to appropriate composition of the Governor's Council on Physical Fitness and Health.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 147 without my approval.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 153 entitled:

AN ACT

To repeal sections 265.525, 267.565, 267.600, 416.410, and 416.440, RSMo, and to enact in lieu thereof five new sections relating

to the marketing of commodities.

I disapprove of Senate Committee Substitute for Senate Bill 153. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill 153 as it relates to the Unfair Milk Sales Practices Act would allow milk processors, distributors or cooperative associations to create monopolies or unfairly manipulate trade. This represents a substantial change to longstanding regulation of milk and milk products that could have a detrimental impact on consumers.

Senate Committee Substitute for Senate Bill 153 could also adversely affect the economic well being of Missouri dairy farmers, who oppose this legislation. The bill would create incentives for the grocery industry to purchase milk from dairy producers outside the State of Missouri, which would have a negative impact on Missouri dairy producers. At a time when the state should be enacting policies that support Missouri farmers and Missouri agriculture, this legislation would be a step in the wrong direction.

In addition, Senate Committee Substitute for Senate Bill 153 could adversely affect the public health and welfare to the extent that the bill creates incentives for expanded warehousing of milk and milk products. Milk and milk products have a limited shelf life, and lengthening the amount of time it takes these products to reach consumers could increase health risks to consumers.

Although I support the changes to the Rice Advisory Council and the expansion of the scope of authority of the State Veterinarian set forth in Senate Committee Substitute for Senate Bill 153, I must reject this bill because of the amendments to the Unfair Milk Sales Practices Act.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill 153 without my approval.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 156 entitled:

AN ACT

To repeal sections 407.1240 and 407.1249, RSMo, and to enact in lieu thereof two new sections relating to travel clubs.

I disapprove of Senate Bill No. 156. My reasons for disapproval are as follows:

Senate Bill No. 156 is wholly contained in Senate Committee Substitute for House Bill No. 83. However, Senate Committee Substitute for House Bill No. 83 additionally requires that travel clubs demonstrate that they possess liquid assets of at least two hundred fifty thousand dollars in the form of one or more certificates of deposit or a letter of credit issued by a banking institution with assets of at least seventy-five million dollars. These liquid assets are available to the attorney general in the event the travel club is adjudged to have failed to satisfy its legal obligations to its members. This additional provision contained in Senate Committee Substitute for House Bill No. 83 is an important safeguard for consumers to recover their losses in the event of malfeasance by a travel club. I signed Senate Committee Substitute for House Bill No. 83 on July 8, 2009.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 156 without my approval.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,



Wednesday, September 16, 2009

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GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

July 2, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 202, entitled:

AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof two new sections relating to the operation of motorcycles.

I disapprove of Senate Committee Substitute for Senate Bill No. 202. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 202 repeals Missouri's 42 year old motorcycle helmet law for any motorcyclists or passengers 21 years of age or older, except on interstate highways.

Head injuries are the leading cause of death in motorcycle crashes. Without a helmet, a motorcyclist is 40 percent more likely to suffer a fatal head injury than a helmeted motorcyclist in a crash. [*Traffic Safety Facts*, National Highway Transportation Safety Administration, January 2008].

It is estimated that from 1984 through 2006, helmets saved the lives of 19,230 motorcyclists and 12,320 additional lives would have been saved had helmets been worn by operators or passengers. [*Traffic Safety Facts*, National Highway Transportation Safety Administration, January 2008].

In addition to safety issues, weakening or eliminating helmet laws causes a dramatic spike in the cost of treating patients who suffer injuries in motorcycle accidents. The State of Florida saw a 40 percent increase in the number of motorcyclists admitted to hospitals in the 30 months following repeal of its helmet law in 2002, with the cost for treatment more than doubling to \$44 million. [*Traffic Safety Facts*, National Highway Transportation Safety Administration, January 2008]. According to one study, it was estimated that the total cost to treat motorcycle accident victims who were not wearing a helmet is \$250,231,734 a year more than the cost of treating victims who were wearing a helmet. [*Economic Impact of Motorcycle Helmets: From Impact to Discharge*, *Journal of Trauma-Injury, Infection & Critical Care*, 2006].

Ultimately the taxpayers must pay a significant portion of these increased costs. After Florida repealed its helmet law, 16 percent of injured motorcyclists admitted for hospital treatment were either under-insured or uninsured and the costs for another 21 percent were billed to either charitable or public sources, such as Medicaid. [*Traffic Safety Facts*, National Highway Transportation Safety Administration, January 2008].

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 202 without my approval.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 216 entitled:

AN ACT

To repeal section 425.010, RSMo, and to enact in lieu thereof six new sections relating to debt settlement providers.

I disapprove of Senate Committee Substitute for Senate Bill No. 216. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 216 fails to provide adequate protection for consumers who do business with debt settlement providers. Strong consumer protection measures, including those contained in the Uniform Debt Management Services Act, are absent from Senate Committee Substitute for Senate Bill No. 216. Senate Committee Substitute for Senate Bill No. 216 does not require licensure or registration of debt settlement providers; does not require security bonds; does not allow consumers a penalty-free cancellation period; does not provide for adequate disclosure of services and fees to consumers; and does not provide for aggressive enforcement mechanisms against unscrupulous providers, to name just a few of the protections missing from this legislation.

The fee structure and the insurance provision set forth in Senate Committee Substitute for Senate Bill No. 216, moreover, do not provide the breadth or the depth of consumer protection that is necessary in the debt settlement provider industry. Under Senate Committee Substitute for Senate Bill No. 216, a consumer could be required to pay twenty percent of the principal amount of the consumer's debt in "aggregate fees" to the debt settlement provider, and an "enrollment fee" representing an additional four percent of the consumer's debt. This means that consumers who already find themselves in debt will be required to pay thousands of dollars in fees to debt settlement providers.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 216 without my approval.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 235 entitled:

AN ACT

To repeal sections 137.016, 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.052, 408.140, 408.233, 408.250, 408.300, 436.350, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, and to enact in lieu thereof thirty-seven new sections relating to manufactured homes, with penalty provisions.

I disapprove of House Committee Substitute for Senate Bill No. 235. My reasons for disapproval are as follows:

House Committee Substitute for Senate Bill No. 235 contains some good provisions, however, I strongly believe that the provision permitting the sale of a deficiency waiver addendum, guaranteed asset protection or similar product purchased as part of a loan transaction fails to include adequate consumer protections and will be harmful to Missourians. That provision was also contained in Senate Committee Substitute for Senate Bill No. 243 which I have also vetoed today.

With regard to the sale of deficiency waiver addendums and similar products, House Committee Substitute for Senate Bill No. 235 does not allow a consumer to cancel coverage or require a refund of premiums in the event the consumer pays off the underlying loan early. By contrast, federal regulations require national banks to refund to the customer any unearned fees paid. Federal regulations permit a national bank to offer a no refund contract only if the bank also offers that customer "a bona fide option to purchase a comparable contract that provides a refund." House Committee Substitute for Senate Bill No. 235 fails to incorporate any such consumer protection.

House Committee Substitute for Senate Bill No. 235 fails to provide the consumer a "free look" period during which the consumer may cancel the contract if the consumer determines that they do not need it or cannot afford it.

Wednesday, September 16, 2009

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House Committee Substitute for Senate Bill No. 235 does not require that the consumer sign for the product acknowledging that they wish to purchase it. The failure to require this affirmative acknowledgment by the consumer heightens the chance that a consumer will unknowingly "purchase" the product.

For the above stated reasons, I am returning House Committee Substitute for Senate Bill No. 235 without my approval.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242 entitled:

AN ACT

To repeal section 204.569, RSMo, and to enact in lieu thereof three new sections relating to sewer districts, with an emergency clause for a certain section.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242. My reasons for disapproval are as follows:

Under current law, the issuance of revenue bonds by an unincorporated sewer subdistrict of a common sewer district requires the approval of four-sevenths of the voters of the subdistrict voting on the question. Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242 would allow voters to be bypassed and a subdistrict to issue revenue bonds with only the written assent of three-quarters of the political subdivisions within the subdistrict. I believe the voters of these subdistricts are entitled to be heard at the ballot box on bond issuances. That voice is recognized in current law and will be protected by my action today.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242 without my approval.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 243 entitled:

AN ACT

To repeal section 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof four new sections relating to the sale of deficiency waiver addendums and other similar products associated with certain loan transactions.

I disapprove of Senate Committee Substitute for Senate Bill No. 243. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 243 permits the sale of a deficiency waiver addendum, guaranteed asset protection or similar product purchased as part of a loan transaction, provided the cost of the product is disclosed in the loan contract. This bill fails to include adequate consumer protections and will be harmful to Missourians.

Senate Committee Substitute for Senate Bill No. 243 does not allow a consumer to cancel coverage or require a refund of premiums in the event the consumer pays off the underlying loan early. By contrast, federal regulations require national banks to refund to the customer any unearned fees paid. Federal regulations permit a national bank to offer a no refund contract only if the bank also offers that customer “a bona fide option to purchase a comparable contract that provides a refund.” Senate Committee Substitute for Senate Bill No. 243 fails to incorporate any such consumer protection.

Senate Committee Substitute for Senate Bill No. 243 fails to provide the consumer a “free look” period during which the consumer may cancel the contract if the consumer determines that they do not need it or cannot afford it.

Senate Committee Substitute for Senate Bill No. 243 does not require that the consumer sign for the product acknowledging that they wish to purchase it. The failure to require this affirmative acknowledgment by the consumer heightens the chance that a consumer will unknowingly “purchase” the product.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 243 without my approval.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 411 entitled:

AN ACT

To repeal sections 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof fifteen new sections relating to public employee retirement systems.

I disapprove of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 411. My reasons for disapproval are as follows:

House Committee Substitute for Senate Committee Substitute for Senate Bill No. 411 would require substantial payments from the Missouri Development Finance Board to the Missouri State Employees Retirement System to compensate the System for the accrued actuarial liability of employees who choose to transfer into the state retirement system. The effect of these payments would be to provide a windfall of public funds to a select number of individuals. Any bill that would permit Board employees to enter into the state retirement system should be on a cost-neutral basis.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Committee Substitute for Senate Bill No. 411 without my approval.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill No. 464 entitled:

AN ACT

To repeal sections 143.441, 147.010, 148.370, 301.560, 303.024, 374.456, 375.020, 375.1025, 375.1028, 375.1030, 375.1032, 375.1035, 375.1037, 375.1040, 375.1042, 375.1045, 375.1047, 375.1050, 375.1052, 375.1057, 375.1224, 376.428, 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, 379.1412, 382.400, 382.402, 382.405, 382.407, 382.409, 384.025, 384.031, 384.043, 384.051, 384.057, and 384.062, RSMo, and to enact in lieu thereof forty-six new sections relating to the regulation of insurance, with penalty provisions and an emergency clause for a certain section.

I disapprove of the Conference Committee Substitute for House Committee Substitute for Senate Bill No. 464. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 464, and particularly Section 376.502, RSMo, would impose different underwriting requirements on different life insurers, based on company size, and create the possibility of disparate consumer protection. This section would permit unfair discrimination in life insurance underwriting by a select group of insurance companies, with gross written premiums of less than three hundred million dollars per year, based on the applicant's or insured's past or future lawful travel destinations. The fundamental theory of life insurance underwriting involves grouping applicants who share similar risks into pools who are charged a similar premium. The size of the insurer is irrelevant to this determination. Consumers in Missouri should not be subject to the arbitrary underwriting standard permitted in this section.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 464 without my approval.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

July 2, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 542, entitled:

AN ACT

To repeal sections 30.260, 30.270, 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, and to enact in lieu thereof eight new sections relating to the state treasurer, with penalty provisions.

I disapprove of Senate Committee Substitute for Senate Bill No. 542. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 542 contains technical differences with House Committee Substitute for House Bill No. 883, which I signed on June 29, 2009. The differences could cause unnecessary confusion and unintended consequences if both bills are signed.

This veto has no substantive effect. House Committee Substitute for House Bill No. 883 contains all the provisions contained in Senate Committee Substitute for Senate Bill No. 542.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 542 without my approval.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Senator Engler moved that the Senate proceed to the order of business, Vetoed Bills, and that the calender be called, which motion prevailed.

SCS for **SB 37** was called thereafter and no motion was taken thereon.

**HCS** for **SB 147** was called thereafter and no motion was taken thereon.

**SCS** for **SB 153** was called thereafter and no motion was taken thereon.

**SB 156** was called thereafter and no motion was taken thereon.

**SCS** for **SB 202** was called thereafter and no motion was taken thereon.

**SCS** for **SB 216** was called thereafter and no motion was taken thereon.

**HCS** for **SB 235** was called thereafter and no motion was taken thereon.

**CCS** for **HCS** for **SCS** for **SB 242** was called thereafter and no motion was taken thereon.

**SCS** for **SB 243** was called thereafter and no motion was taken thereon.

**HCS** for **SCS** for **SB 411** was called thereafter and no motion was taken thereon.

**CCS** for **HCS** for **SB 464** was called thereafter and no motion was taken thereon.

**SCS** for **SB 542** was called thereafter and no motion was taken thereon.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

#### HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2009 Constitutional Veto Session and ready for consideration of business.

Senator Engler announced that photographers from the Kansas City Star and KOMU 8 were given permission to take pictures in the Senate Chamber today.

### **RESOLUTIONS**

Senator Engler offered the following resolution, which was read and adopted:

#### SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's vetoes of Senate Committee Substitute for Senate Bill No. 37; House Committee Substitute for Senate Bill No. 147; Senate Committee Substitute for Senate Bill No. 153; Senate Bill No. 156; Senate Committee Substitute for Senate Bill No. 202; Senate Committee Substitute for Senate Bill No. 216; House Committee Substitute for Senate Bill No. 235; Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242; Senate Committee Substitute for Senate Bill No. 243; House Committee Substitute for Senate Committee Substitute for Senate Bill No. 411; Conference Committee Substitute for House Committee Substitute for Senate Bill No. 464 and Senate Committee Substitute for Senate Bill No. 542 when the bills were so called by the President.

Senator Stouffer offered Senate Resolution No. 4, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Delbert Crabtree, Warrensburg, which was adopted.

Senator McKenna offered Senate Resolution No. 5, regarding the Fiftieth Anniversary of St. Pius X High School, Festus/Crystal City, which was adopted.

On motion of Senator Engler, the Senate recessed until 1:30 p.m.

## RECESS

The time of recess having expired, the Senate was called to order by Senator Lager.

## MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

### HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS for SS for SCS for HCS for HB 2**, **CCS for SS for SCS for HCS for HB 3**, **CCS for SCS for HCS for HB 4**, **CCS for SCS for HCS for HB 8**, **CCS for SCS for HCS for HB 9**, **CCS for SCS for HCS for HB 10**, **CCS#2 for SCS for HCS for HB 11**, **CCS for SCS for HCS for HB 12**, **CCS for SCS for HB 13**, **SCS for HCS for HB 21**, **SS for SCS for HCS for HB 22**, **HB 116**, **CCS for SCS#2 for HCS for HB 148**, **SCS for HB 171**, **HCS for HB 251**, **HCS for HB 306**, **HB 373**, **HB 644** and **HB 751** when the bills were called by the Speaker.

## COMMUNICATIONS

President Pro Tem Shields submitted the following:

August 4, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

### **RE: Appointment to the Alzheimer's State Plan Task Force**

Dear Ms. Spieler,

Pursuant to the passage of House Bill 272, I am appointing Senator Bill Stouffer to the Alzheimer's State Plan Task Force.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

August 4, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

### **RE: Appointments to the Joint Committee on Missouri's Energy Future**

Dear Ms. Spieler,

Pursuant to the passage of House Bill 734, I am appointing the following Senators to the Joint Committee on Missouri's Energy Future:

Senator Tim Green

Senator Jolie Justus

Senator Brad Lager

Senator Rob Mayer

Senator Kurt Schaefer

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

August 4, 2009

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

201 West Capitol Avenue

Jefferson City, MO 65101

**RE: Appointment to the Missouri Veterans Commission**

Dear Ms. Spieler,

Pursuant to the passage of House Bill 427, I am appointing Senator David Pearce to the Missouri Veterans Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

August 6, 2009

Senator Charles Shields

President Pro Tem

Missouri State Senate

Missouri State Capitol, Room 326

Jefferson City, MO 65101

Dear Senator Shields:

This letter is to inform that I am resigning from my position on the Missouri Consolidated Health Care Plan Board of Trustees.

Sincerely,

/s/ Delbert Scott

Delbert Scott

Also,

August 6, 2009

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

201 West Capitol Avenue

Jefferson City, MO 65101

**RE: Appointment to the Missouri Consolidated Health Care Plan Board of Trustees**

Dear Ms. Spieler,

I am appointing Senator Tom Dempsey to fill Senator Scott's place on the Missouri Consolidated Health Care Plan Board of Trustees.



*Wednesday, September 16, 2009*

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If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

August 20, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Emancipation Day Commission**

Dear Ms. Spieler,

Pursuant to Section 9.161, RSMo, I am appointing Senator Yvonne Wilson to the Emancipation Day Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

August 28, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Joint Committee on Legislative Research**

Dear Ms. Spieler:

Pursuant to Section 23.010, RSMo, I am appointing Senator Robin Wright-Jones to the Joint Committee on Legislative Research.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

August 31, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Joint Committee on Corrections**

Dear Ms. Spieler:

Pursuant to Section 21.440, RSMo, I am appointing Senator Rita Heard Days to the Joint Committee on Corrections.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

August 28, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Joint Committee on Corrections**

Dear Ms. Spieler:

Pursuant to Section 21.440, RSMo, I am appointing the following Senators to the Joint Committee on Corrections:

Senator Dan Clemens  
Senator Carl Vogel  
Senator Yvonne Wilson  
Senator Robin Wright-Jones

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

September 3, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Missouri Senate Healthy Missourians 2020 Committee**

Dear Ms. Spieler,

Pursuant to SR303, I am appointing Senator Kurt Schaefer to the Missouri Senate Healthy Missourians 2020 Committee.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

September 3, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Joint Committee on Transportation Oversight**

Dear Ms. Spieler:

*Wednesday, September 16, 2009*

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Pursuant to Section 21.795, RSMo, I am appointing Senator Dan Clemens to the Joint Committee on Transportation Oversight. If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields.

Also,

Senator Callahan submitted the following:

August 14, 2009

Terry Spieler – Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

Dear Terry:

In the 2009 session the Missouri General Assembly passed – and the Governor has now signed – House Bill 427, the provisions of which will become effective shortly. Section 42.007 of House Bill 427 changes the make up of the Missouri Veterans Commission and provide me – acting within capacity as Senate Minority Floor Leader – an appointment to the commission of a member of the Senate Minority Caucus. Please let this correspondence serve as my appointment of Senator Frank Barnitz to serve on the Missouri Veterans Commission.

Sincerely,

/s/ Victor Callahan

Victor Callahan

Also,

September 15, 2009

The Honorable Senator Charlie Shields  
President Pro-Tem of the Missouri Senate  
State Capitol, Room 326  
Jefferson City, Missouri 65101

Dear Senator Shields:

I hereby appoint Senator Wes Shoemyer to the Joint Committee on Transportation Oversight.

Sincerely,

/s/ Victor Callahan

Victor Callahan

Senator Shields submitted the following:

September 16, 2009

The Honorable Michael Wolff  
Chair  
Missouri Sentencing Advisory Commission  
PO Box 104480  
Jefferson City, MO 65110

Dear Judge Wolff,

I would like to appoint Senator Kurt Schaefer to serve on the Missouri Sentencing Advisory Commission. Senator Schaefer's appointment to the commission will replace Senator Jack Goodman. Thank you.

Sincerely,

/s/ Charlie Shields

Charlie Shields

Also,

September 16, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Missouri Minority Business Advocacy Commission**

Dear Ms. Spieler,

Pursuant to Section 33.752, RSMo, I am appointing Senator Robin Wright-Jones to the Missouri Minority Business Advocacy Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

**INTRODUCTIONS OF GUESTS**

Senator Wright-Jones introduced to the Senate, Joe Keaveny, St. Louis.

Senator Cunningham introduced to the Senate, John Lamping, St. Louis.

Senator Shoemyer introduced to the Senate, Director Krista Flowers, teachers Marshall Suddarth and Gordon Downs and students from Pike-Lincoln Technical College, Eolia.

Senator Shields introduced to the Senate, Ed Wallace, Kansas City, Kansas.

Senator Lembke introduced to the Senate, David and Beth Vordtriede and their children, Caroline and Victoria, St. Louis County; and Caroline and Victoria were made honorary pages.

Senator Rupp introduced to the Senate, Mike Martin, Troy.

On motion of Senator Engler, the Senate of the Veto Session of the First Regular Session of the 95th General Assembly adjourned sine die, pursuant to the Constitution.

PETER D. KINDER

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

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